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HEARING
SENATE RULES COMMITTEE
STATE OF CALIFORNIA
Legislature

GOVERNOR'S APPOINTEE
Daniel E. Lungren, State Treasurer

Volume III

DOCUMENTS DEPT.
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1 BEFORE THE
2 SENATE RULES COMMITTEE

3 Senator David S. Sisk, Chairman
4 CONFIRMATION HEARING IN RE:)
5 CONGRESSMAN DAN LUNGREN)
6 _____)

7 Senator Henry J. Halle

8
9 STAFF PRESENT:

10 Pat Webb, Secretary

11 Cliff Zerk

12 Nancy Michel

13 ROOM 112

14 STATE CAPITOL

15 SACRAMENTO, CALIFORNIA

16
17
18
19 THURSDAY, FEBRUARY 18, 1988

20 10:00 A.M.

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25
26 Nadine J. Parks
27 Shorthand Reporter

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P R O C E E D I N G S

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CHAIRMAN ROBERTI: The Committee will come to order. Today we have witnesses that will deal with perspectives on human rights, equal opportunity, and general matters related to that. At the conclusion of that portion, Congressman Lungren's witnesses will appear. Of those witnesses who come in opposition, at some point, I'm going to ask you to keep it relatively brief. I'm going to try and wait and see how that progresses. Maybe things will go smoothly without the Chair having to intervene.

Congressman Lungren's witnesses, because there aren't as many of them, will be allowed to go at greater length. But those witnesses who are here in opposition, at some point, just because of the constraints of time, we may have to ask you to keep it brief. But we'll see how that proceeds.

The first witness is Bishop H. H. Brookins from Los Angeles. Bishop Brookins.

BISHOP BROOKINS: Thank you very much, Mr. Chairman and members of the Commission (sic). I appreciate the opportunity to appear here today out of a concern from the civil rights religious perspective.

Before I make my own personal remarks, I should like to read into the record some remarks which I regard highly that come from one of the most respected civil rights persons in America today, one of the United States

1 Congressmen, Congressman Parren J. Mitchell. I would
2 like, for the record, to read his statement. He's a
3 personal friend.

4 CHAIRMAN ROBERTI: I understand he wanted to come
5 here today, but because of illness, he couldn't make it.
6 So, thank you.

7 BISHOP BROOKINS: For health reasons, he could not
8 make it here today, and asked that I read this statement
9 into the record for him. And I would like, first, to
10 bring it to your attention who he is.

11 Parren Mitchell served 16 years in the House of
12 Representatives from the State of Maryland. He's the
13 former chairman of the Congressional Black Caucus. During
14 his career in Congress, he served as chairman of the
15 Committee on Small Business, where he developed a
16 reputation as the father of minority business. He's a
17 long-time veteran of the civil rights movement.

18 Mr. Mitchell currently serves as the chairman of
19 the Minority Business Legal and Education Defense Fund.

20 Congressman Mitchell's late brother, Clarence
21 Mitchell, served as a Director of the NAACP's Washington
22 Bureau for 28 years. Clarence was known affectionately
23 as the 101st Senator. He's credited with authoring and
24 helping to gain passage of the '64 Voting Rights Act,
25 '64 Civil Rights Act, '65 Fair Housing Act, and many other
26 pieces of historic civil rights legislation.

27 Congressman Mitchell has authored virtually every
28 piece of legislation designed to benefit minority and

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women-owned businesses.

I now read his statement.

"Dan Lungren opposed every single piece of civil rights legislation introduced during my tenure in Congress. That he claims to have been a key player in the passage of the Voting Rights Act and the Martin Luther King holiday bill is blatantly untrue.

"I was leading that fight with my colleagues in the Congressional Black Caucus. At no time do I remember Dan Lungren playing a significantly positive role. In fact, he was part of a group of ultraconservatives which tried to water down both bills. It betrays the legacy of my late brother, Clarence, that he has the audacity to try to take credit for this historic effort."

Continuing:

"In the area of minority business development, he has opposed me everytime I have tried to create opportunities for minority and women-owned businesses through set-asides. He has fought me every step of the way.

"In what, to my knowledge, is an unprecedented action, 11 current members

1 of the California delegation have signed
2 a 'Dear Colleague' letter opposing
3 Lungren's nomination. The signer's
4 included three of my former colleagues
5 on the Black Caucus.

6 "Finally, this is not a partisan
7 issue for me. I have supported a
8 Republican, Charles McMathias, in my own
9 state and Lowell Weiker in Connecticut.
10 I am opposed to Dan Lungren because he
11 has consistently voted to turn back the
12 clock of history for blacks and others.
13 If he is confirmed, then all of the work
14 of Martin Luther King, Medgar Evers, and
15 my late brother will have been in vain."

16 I would like also to refer to the letter to which
17 he has referred, and I would just like to take several
18 excerpts from the letter signed in their own handwriting
19 by the 11 Congressmen that he referred to.

20 "A simple examination of the record
21 of Mr. Lungren clearly indicates that he
22 is not qualified for the responsibility
23 of Treasurer," unquote.

24 "Our State simply cannot afford to
25 provide -- our State simply cannot afford
26 to provide our State Treasurer with on-
27 the-job training. Mr. Lungren has built a
28 career opposing these important issues.

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1 Yet, funding for the issues are the
2 fundamental responsibilities of the
3 State Treasurer."

4 He refers to, of course, many issues in the
5 economic area, small business, housing, et cetera.

6 "He has consistently voted against
7 funding for assisted housing and other
8 measures that provide housing aid to the
9 elderly and to the poor. Given that
10 the State Treasurer's responsibilities for
11 the management and investment of the State
12 Teachers' Retirement System pension program,
13 Mr. Lungren's past record on disinvestment
14 in South Africa is a matter of grave
15 concern. Although Mr. Lungren claims that
16 he will not attempt to change anything
17 where the people have spoken, his voting
18 record on the antiapartheid issue dispels
19 this claim.

20 "And, then, of course, finally, we
21 do believe an examination of Mr. Lungren's
22 record will show that he -- his views
23 are contrary to the mainstream of
24 Californians, that he is unqualified (sic)
25 for the position of State Treasurer."

26 This, of course, is signed by Mr. Coelho, majority
27 whip of the Congress; Nancy Pelosi from San Francisco;
28 Merv Dymally from Los Angeles; Ed Roybal from L. A.;

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1 Augustus Hawkins, L.A.; Robert Mat --

2 CHAIRMAN ROBERTI: Matsui.

3 BISHOP BROOKINS: -- Matsui from Sacramento; and
4 Mr. Boxer (sic) from San Francisco; Torres from
5 Los Angeles, Milton Guiterrez (phonetic) from Los Angeles;
6 and Pete from --

7 CHAIRMAN ROBERTI: Stark.

8 BISHOP BROOKINS: -- from Oakland (sic); and, of
9 course, Julian Dixon from Los Angeles. These persons
10 have signed their names to this.

11 Now, Mr. Chairman, as a person who's worked with
12 Martin Luther King for all the years, marched with him in
13 Montgomery, worked with him in California, and worked with
14 him in all of the other places in this country, and as a
15 person who has been involved in the civil rights movement
16 all of my mature and adult life, and because I feel so
17 strongly that this is not a partisan issue, and because
18 I believe that this issue raises some questions, the same
19 questions that were raised by Robert Bork's nomination
20 to the Supreme Court and the reason why he was rejected
21 to that because of his --

22 SENATOR CRAVEN: Mr. Chairman, I think that that
23 comment is not relevant to this hearing.

24 CHAIRMAN ROBERTI: Well, let Bishop Brookins
25 develop it.

26 BISHOP BROOKINS: I was saying that the same kind
27 of concerns are raised in this nomination. We, who have
28 worked in the civil rights movement -- I understand I was

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7
1 here to make my comments as a civil rights person. And
2 I make those statements today to you based on the fact
3 that the concerns that have affected us most -- and when
4 you review Mr. Lungren's record, and I have reviewed it
5 very carefully and very thoroughly on any number of
6 issues. I will not go into them, because you have recited
7 them. I have already read what has been recited into the
8 record. I don't want to be redundant nor repetitious.

9 But I do want to make it unmistakably clear that
10 this kind of record opposes everything that Martin Luther
11 King stood for. And since this is the close of the
12 celebration of his birthday and his holiday, I cannot
13 understand -- I think it is unconscionable, unreasonable,
14 and absolutely unacceptable to the people of California
15 that we would raise -- even in the eve of his celebration--
16 a person to occupy a most influential and powerful
17 position that stands against what Martin Luther King
18 stood for; namely, the liberation of the poor, the help
19 for the elderly, the help for the minorities, and the
20 other kinds of diverse ethnic groups in this country.

21 I do not think, therefore, based on the record --
22 not on my own feeling, nor on my personal acquaintance --
23 I have observed that Mr. Lungren has not been a part of the
24 movement in California in terms of the NAACP, the Urban
25 League, the Southern Christian Leadership Conference, nor
26 the concerned clergymen of this State.

27 When you work for civil rights and believe in
28 your heart that there's something to be gained by equality

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1 in fact, and not just to raise some kind of rhetoric about
2 what -- what validity there is in the economics of a given
3 issue without developing that to its ultimate, the very
4 fact that you can get maybe one, some black from somewhere
5 to come, because they're on your payroll or that you have
6 helped them somewhere does not vindicate the Committee's
7 confirmation of this nomination.

8 So that my reason for being here today, coming
9 from California, is that I was born in the South, raised
10 and educated in other parts of the country, have served
11 as a clergyman in the 200-year-old African Methodist
12 Liberation Episcopal Church. And, therefore, in that
13 capacity, representing some two, five -- four-and-a-half
14 million constituents, in excess of 150,000 in the State of
15 California, I could not stand by and say that I would not
16 at least put my words and my thoughts on the record. That
17 I think that this record that you are looking at clearly
18 reflects a person who is out of step with what the main
19 right-thinking people of this State are for.

20 And I do think that the Treasurer's Office is
21 so powerful, and because it handles so many dollars, that
22 it does, in fact, provide an opportunity to influence
23 legislation that are negative -- that is negative, and
24 that is in direct opposition to what most of the people of
25 this State need and most of the people of this State want.

26 I, therefore, put my remarks in line with a
27 series of people, not only in the Legislature and in the
28 Congress, but in line with the civil rights movers of this

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1 country.

2 And it is for this reason that I came to hold up
3 that banner which says no to this nomination. And I
4 say that, because I believe that we have an enlightened
5 Legislature in Sacramento, whatever side of the aisle you
6 may sit on, and I believe that those persons have a
7 responsibility to more.

8 I noticed this morning in this morning's paper
9 in coming up here that the Governor indicated that he
10 would not, on any conditions, withdraw this nomination. I
11 would pray the Governor to reconsider his opinion and step
12 in line with what we believe him to be. This nomination
13 is not the kind of nomination that should come from such
14 a person as the Governor. And I would hope that he would
15 reconsider and withdraw this nomination, and give some
16 other person a chance to serve in this capacity. That,
17 of course, is his right not to do it. But I would hope
18 that the Legislature would reject the nomination of
19 Mr. Lungren based strictly on the record that he himself
20 has made and nobody else has made for him.

21 And, therefore, that record, like everybody's
22 record, you have to stand for and stand with.

23 Now, in terms of taking certain positions that I
24 noticed some narration given as a kind of a way of
25 justifying, it was clearly unconvincing, because in each
26 instance that I noticed that there was an effort to give
27 rationale for not going along or not voting for something,
28 there was this whole question that is always raised in a

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1 racist kind of a way, that there is another more
2 objective and a financial reason why it cannot be done.
3 Black and minority people in this country can wait no
4 longer for Legislatures and for anybody. We can wait no
5 longer for somebody to tell us what our agenda ought to be.
6 Our agenda is freedom in fact. Our freedom is equality
7 all over. Our freedom is an all-encompassing, nonsalable,
8 and nonbargainable proposition.

9 And whether see it coming in the form of a
10 nominee to the Supreme Court or a nominee to the
11 treasurership, we stand against it, and we cannot tolerate
12 it, and we cannot afford to have that raised in any
13 Legislature or Congress in the United States of America.

14 Mr. Chairman and ladies and gentlemen, these are
15 my remarks. I appreciate my opportunity to say it to you.
16 I will be glad to respond to any comment or question that
17 you may have. But I feel that this is a moral issue in
18 conclusion, and not just an issue of raising -- electing
19 a Treasurer. I think the moral issues of this country
20 rest on persons who are raised to the level of influencing
21 the budgetary considerations of this nation and of this
22 State.

23 CHAIRMAN ROBERTI: Thank you very much, Bishop
24 Brookins. Senator Craven.

25 SENATOR CRAVEN: Bishop Brookins, are you referred
26 to as Bishop Brookins?

27 BISHOP BROOKINS: That's correct.

28 SENATOR CRAVEN: Is that the proper way to address

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1 you, sir?

2 Bishop Brookins, do you feel that the Martin
3 Luther King holiday basically is a commemoration of all
4 of the strife and travail and good work accomplished by
5 that man?

6 BISHOP BROOKINS: I don't think it's a commemoration
7 of the strife. I think it's a suggestion that the strife
8 led to enlightenment and to liberation and to democracy,
9 that the more acceptance and clearly --

10 SENATOR CRAVEN: But --

11 BISHOP BROOKINS: -- knowledge of the democratic
12 principles.

13 SENATOR CRAVEN: But it is, in your judgment, a
14 recognition of the man?

15 BISHOP BROOKINS: Precisely.

16 SENATOR CRAVEN: Basically. That being the case,
17 I would just like to point out that it's my understanding
18 that the wife of Dr. King, Coretta, has personally
19 congratulated Congressman Lungren on his activity in the
20 Congress in getting that to come to being.

21 BISHOP BROOKINS: According to all of the records
22 I've come across and the persons who worked the bill
23 through Congress, none of whom seem to give Congressman
24 Lungren credit for doing that much to pass the civil -- to
25 pass the Martin Luther King holiday. All the records
26 indicate that he came along when it was already
27 concluded and said, "I'm here also."

28 But in terms of -- in terms of working it

1 through the committees and through Congress, I have not
2 been privileged to any record that indicates that he did
3 that much work for its passage.

4 SENATOR CRAVEN: Well, if you had been here
5 yesterday, you would have heard an explanation by the
6 Congressman to the effect that in Congress there is a
7 system which is somewhat different than that under which
8 the five members of this Committee work here in
9 Sacramento; that you can be a person who has introduced
10 legislation, but not necessarily have it bear your name
11 as it moves through the process and reaches fruition.

12 I think that the record will indicate that
13 Congressman Lungren was perhaps solely responsible for
14 bringing into line many votes who were presumably at the
15 outset opposed to the recognition of Dr. King by virtue
16 of the holiday in his honor.

17 I think the Congressman could probably speak to
18 that point very easily, but I thought that it should be
19 made a part of the record to indicate that any indication
20 or insinuation that he was not favorable to Dr. King and
21 the work accomplished by Dr. King would be totally
22 erroneous.

23 BISHOP BROOKINS: Well, I would say, Your Honor --
24 your chair, what you do speaks more eloquently than what
25 you say. And I've observed that all of the bills that have
26 to do with civil rights issues for which King fought,
27 Mr. Lungren opposed them. Now, the fact that he might
28 have raised his voice somewhere at some time, I am not a

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1 Congressman and, therefore, was not privy to that
2 occasion. But the fact is that if you stood against
3 what King was about, you don't need to tell me how much
4 you love him, nor celebrate him.

5 The fact is that if you're against hou -- access
6 to housing and service for the elderly and Medicare and
7 all of the different concerns, and you opposing
8 legislation -- sanctions on South Africa, I could hardly
9 hear you talking about how much you believe in Martin
10 Luther King, because those are the things about which
11 King was working, lived, and died. And so, to say that
12 you are for King and that you helped work out some
13 legislation for his celebration and are not willing to put
14 your political career and life on the line for his
15 program is dichotic and is inconsistent and, therefore,
16 does not speak well for your civil rights commitment.

17 CHAIRMAN ROBERTI: Any other questions?

18 Thank you, Bishop Brookins.

19 CONGRESSMAN LUNGREN: Mr. Chairman?

20 CHAIRMAN ROBERTI: Yes.

21 CONGRESSMAN LUNGREN: Since I have been called
22 racist and dichotic and a whole host of things, I'd like
23 to respond.

24 CHAIRMAN ROBERTI: Yes, please.

25 CONGRESSMAN LUNGREN: Mr. Chairman, I'd like to
26 read into the record a letter, if I might.

27 "Dear Representative Lungren, I
28 want to take this opportunity, though

1 belated, to express my profound thanks
2 and appreciation for your sponsorship
3 and enthusiasm in making the King holiday
4 possible. We were all blessed to be
5 able to witness an historic event with
6 the signing of the King holiday bill. . ."

7 I happened to be at the White House along with
8 Coretta Scott King and others when it was signed by the
9 President in recognition of the work that I did.

10 ". . .and although it took only
11 moments to accomplish in a public
12 ceremony, you and I know that it reflected
13 some 15 years of unflinching dedicated
14 commitment from thousands of believers
15 in Martin's dream. We will always be
16 grateful for your leadership and
17 determination to see this legislation
18 pass.

19 "Our challenge now remains one of
20 assuring that the holiday remains true
21 to what Martin represented. No other
22 holiday serves as a focal point for
23 encouraging improved race relations
24 and as a means for helping to unify
25 America and its people in the spirit of
26 Martin's dream. Now, more than ever,
27 the King Center accepts the challenge
28 and must continue to assume a major

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1 leadership role in the proper imple-
2 mentation of the holiday legislation.
3 We must find the financial wherewithal
4 through a special congressional
5 appropriation or through private
6 resources to prepare for the proper
7 observance of the birthday in 1986.
8 Among other things, we want Americans
9 to be encouraged to fly the flag on
10 Martin's birthday, for he was truly an
11 American hero.

12 "I would welcome your recommendation
13 on how we can best prepare for 1986 in
14 order to make certain that the holiday
15 remains a positive and constructive force
16 in the lives of Americans and people all
17 over the world.

18 "Sincerely, Coretta Scott King."

19 May I have that entered into the record, please?

20 CHAIRMAN ROBERTI: Yes.

21 CONGRESSMAN LUNGREN: Would you like to see it,
22 Mr. Chairman?

23 Mr. Chairman, I would also like to read a letter
24 that suggests that I did more than just work for it
25 legislatively. As you may know, being the student of
26 politics that you are, there was some doubt as to whether
27 the President was going to sign this bill, having opposed
28 it originally as I did at one time. And so, I and 26 of

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1 my Republican colleagues decided to not only vote for
2 it, but encourage the President to sign it. We sent a
3 letter to him. And this is an acknowledgment of the letter
4 that we sent to the President asking that he join us in
5 supporting the Martin Luther King holiday. I'd like to
6 have that entered into the record as well, Mr. Chairman.

7 Mr. Chairman, I have another letter to read.

8 "Dear Dan:

9 "As Chairman of the Congressional
10 Black Caucus, I would like to express
11 the appreciation of our 20 members for
12 your vote in favor of the Martin Luther
13 King holiday bill. This victory was
14 made possible by substantial majorities
15 from both parties who supported this
16 recognition of Dr. King's philosophy
17 and achievements.

18 "It is our hope that the Senate and
19 the President will take note of the strong
20 bipartisan sentiment expressed in behalf
21 of this measure and move to consider this
22 bill after the August recess."

23 In fact, it was just about this time when I had these
24 discussions with Julian Dixon and others, that I, along
25 with 26 other members, responded to his request to
26 encourage the President to sign the bill and sent a
27 letter. We didn't send it out with a press release. We
28 sent it to the White House so that it would have immediate

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1 impact on the President.

2 "Without your vote, this victory would
3 not have been possible. And I speak
4 for all members of the Congressional
5 Black Caucus in saying that August 2nd
6 will be remembered as one of the most
7 rewarding days in our history. We are
8 grateful for your partnership."

9 It doesn't say "followship". You jumped on the
10 train when it was going through the station. It says:

11 ". . .We are grateful for your
12 partnership in the effort to establish
13 a national holiday in honor of Dr.
14 Martin Luther King."

15 I'd like to have that entered into the record as
16 well.

17 Mr. Chairman, another letter.

18 "Dear Dan:

19 "I would like to take this opportunity
20 to thank you for your major contribution --
21 major contribution to making House passage
22 of the Martin Luther King holiday a
23 reality. It took many people a long time
24 to achieve this monumental step, but
25 your help in garnering the support we
26 received was invaluable.

27 "Again, thank you and best wishes.

28 "Sincerely, Katie Hall."

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1 For those of you who may not know and perhaps
2 Reverend Brookins is not aware of the fact, Katie Hall
3 was the original sponsor of the legislation that became
4 law. I'd like to have that entered into the record as
5 well, Mr. Chairman.

6 Mr. Chairman, I'd like to read you another letter.

7 "Dear Dan:

8 "I was so very heartened by your
9 vote for the Martin Luther King, Jr.
10 national holiday bill and the overwhelm-
11 ing support in the House. This action is
12 a landmark in the history of the civil
13 rights movement, and you helped make it
14 possible.

15 "Sincerely, John Conyers, Jr.,
16 member of Congress."

17 As you know, one of the most well-respected
18 members of the Black Caucus, the person who originally
19 sponsored the bill, but the year that it was passed, it
20 was sponsored by Katie Hall.

21 Mr. Chairman, I have another letter I'd like to
22 read.

23 "Dear Dan:

24 "I want to take this opportunity
25 to commend you for your remarks on the
26 floor August 2nd in support of establishing
27 a federal holiday in memory of the
28 achievements and historical contribution of

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1 Dr. Martin Luther King, Jr. I listened
2 with great interest to the debate on this
3 legislation, and I was impressively
4 struck by the sincerity of your remarks
5 on what has been a difficult issue for
6 the Congress in the past. Your thoughtful
7 comments did not go unnoticed by this
8 member on the other side of the aisle."

9 Signed by the Democratic member of Congress from
10 Ohio, Dennis Eckart.

11 I'd like to enter that into the record as well,
12 Mr. Chairman.

13 And, Mr. Chairman, I have a copy of a Telex that
14 was sent to you by the Reverend Father Hesberg (phonetic).
15 Father Hesberg would have been here to testify in my
16 behalf, but as you know, he left the University of
17 Notre Dame along with Father Joyce last year. The two
18 of them happen to be acting as chaplains on the QE2 right
19 now, and they're somewhere at sea. However, he did send
20 a Telex to you, as I know. And I noticed that it has not
21 found its way into the report, and I thought maybe -- it
22 might be an oversight or something, but I thought it
23 might be important if I could read it, if I may, even
24 though it was addressed to you.

25 CHAIRMAN ROBERTI: Please do.

26 CONGRESSMAN LUNGREN: And you will recall that
27 Father Hesberg not only was the President of the
28 University of Notre Dame, he's President Emeritus. He's

1 the former Chairman of the Civil Rights Commission. He
2 is also a member of the Civil Rights Commission that left
3 when he ran into a dispute with Richard Nixon, a
4 Republican President. He's been one of the leaders in
5 this country in civil rights for years, has been
6 recognized in his efforts by Dr. Martin Luther King and
7 others over the years. He marched with Dr. Martin Luther
8 King. He also was the Chairman of the Presidential
9 Commission to review the question of immigration, as you
10 know, appointed by President Carter, a Democrat.

11 This was sent to both yourself and Speaker Willie
12 Brown.

13 "I would like to highly recommend
14 Congressman Dan Lungren as nominated by
15 the Governor. Dan is a man of high
16 integrity and sincere Conscience. He
17 also has the courage of his moral
18 convictions with which I am in general
19 agreement. He was very helpful in
20 passing the immigration bill that my
21 Federal Commission recommended. His
22 amendment. . ."

23 Here he's referring to the amendment that I worked
24 on, along with others, the concept of preclearance --

25 "His amendment made possible the
26 renewal of the voting rights bill."

27 Now, you notice what that says. It doesn't say
28 that I jumped on the voting rights bill after it already

1 was going to pass. It suggests that those of us
2 who worked on the amendment to get a consensus helped
3 pass the voting rights bill.

4 Another issue that I know is going to come up
5 he refers to.

6 "I also find your South African
7 position defensible, since it represents
8 the stance of most great universities."

9 He's referring to the idea of selective divestment
10 as opposed to absolute blanket divestment.

11 "Dan is, in my judgment, highly
12 justified for confirmation."

13 I might point out to Reverend Brookins that I've
14 never employed Father Hesberg. He's never worked for me.
15 I've never hired any member of his family. Oh, I take
16 that back. I'm sorry. I did have one of his nieces
17 work as an unpaid intern for me about ten years ago. I do
18 have an intern program where I try and get young men and
19 women from California.

20 May I offer that for the record, too?

21 CHAIRMAN ROBERTI: Yes.

22 CONGRESSMAN LUNGREN: Mr. Chairman? Mr. Chairman,
23 the only point I'd like to raise is this: When those of
24 us joined, black and white, brown and otherwise,
25 Republican and Democrat, conservative and liberal in the
26 House of Representatives to pass the voting rights act,
27 to pass the Martin Luther King holiday, we did it because
28 we thought there ought to be a spirit of reconciliation

1 in the air. I'm sorrowed that you have witnesses come
2 before you during this Lenten season who seem to believe
3 that confrontation rather than reconciliation is the way
4 that we are going to move this country forward.

5 CHAIRMAN ROBERTI: Thank you, Congressman. The
6 next witness --

7 BISHOP BROOKINS: (From the audience) Mr. Chairman,
8 may I make one comment?

9 CHAIRMAN ROBERTI: Well, yes, because actually I
10 allowed Congressman Lungren to go out of order -- out of
11 order.

12 BISHOP BROOKINS: I'd just like to put on the
13 record that the letter from Coretta Scott King was a letter
14 of consensus with a number of civil rights people that
15 she should write every Senate -- Senator and every
16 Congressman in the United States. It's not singled out
17 for anybody. It's a form letter that speaks to everybody.
18 And I listened to most of those letters are of the same
19 spirit (sic). The fact of the matter is that the intent
20 was to say to people in the spirit of reconciliation,
21 even those who were not enthusiastic about it, how
22 grateful that the King family was and all of the rest of
23 the civil rights community and the minorities of the
24 country. I just wanted to put that on the record so that
25 it is clear that this is not an individual tribute to the
26 Congressman, but a letter that every other Congressman
27 and Senator, including Jesse Helms and Strom Thurmond,
28 got.

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1 CONGRESSMAN LUNGREN: That's absolutely not
2 true. Mr. Chairman, that's absolutely not true.

3 MRS. LUNGREN: Mr. Chairman --

4 CHAIRMAN ROBERTI: Thank you, Bishop Brookins.

5 CONGRESSMAN LUNGREN: The letter will stand for
6 itself, and that's an untrue statement.

7 CHAIRMAN ROBERTI: You'll have a chance to
8 respond later. Yes.

9 MRS. LUNGREN: Excuse me, Mr. Chairman. I'm sorry.
10 I'm Mrs. Lungren, and I have been sitting here. And this
11 has been the most difficult part of the hearings for me
12 to listen to.

13 And I hope -- is the Bishop still here? I would
14 just like to set the record straight in this matter.
15 There is not a racist bone in his body, not a thought, not
16 an action, not a deed. When he says what he said on the
17 floor of the House regarding Martin Luther King's
18 holiday, he said from the heart. And there is not one
19 action this man has taken in his lifetime that has been
20 anything to the contrary.

21 I'm sorry, I know I'm out of order. But I just
22 feel so strongly about this. I cannot stand here -- sit
23 here and listen to these witnesses say that my husband is
24 a racist when that is the farthest thing from the truth.

25 CHAIRMAN ROBERTI: Well, I agree with you. It's
26 the furthest thing from my recollections of referring to
27 your husband's record.

28 But you must understand, Mrs. Lungren, that as

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1 deeply and emotionally as you feel these issues,
2 someone like Bishop Brookins, who speaks for a black
3 community who have felt oppressed through the years, who
4 have always been at the bottom of America's totem pole,
5 feel very, very strongly, too.

6 MRS. LUNGREN: But you can't call someone --

7 CHAIRMAN ROBERTI: It's something just as personal
8 to them as it is to you. And I am not saying that
9 sometimes hyperbole isn't engaged in. It is. And I feel
10 deeply for you. If my wife was in the front listening
11 to all the things about me, plus and minus, she would feel
12 the same way as you do. But there's a whole world out
13 there of people of color. Sometimes we, who are white,
14 have to try to put ourselves in their shoes and understand
15 how they feel and understand their reference point. And
16 it's not just one vote that motivates them, it's a
17 history of votes.

18 MRS. LUNGREN: I understand that, Mr. Chairman.
19 But I think it is so unfair for people to get up here and
20 call my husband a racist.

21 CHAIRMAN ROBERTI: He is not a racist. I'd
22 stipulate that. He's a deeply committed human being of
23 a somewhat different philosophy, and I appreciate your
24 comment in trying to set that record straight. It should
25 be set straight.

26 MRS. LUNGREN: Thank you.

27 CHAIRMAN ROBERTI: Thank you, Mrs. Lungren.

28 SENATOR MELLO: Mr. Chairman.

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1 CHAIRMAN ROBERTI: We have to get to our next
2 witness. Mr. Horikawa.

3 SENATOR MELLO: I want to ask a question on
4 procedure if I might.

5 CHAIRMAN ROBERTI: Yes.

6 SENATOR MELLO: And that is, I would hope that we
7 would continue on as we normally in Rules here, and that
8 is allow all the witnesses to testify --

9 CHAIRMAN ROBERTI: Yes, we will.

10 SENATOR MELLO: -- allow the Congressman to take
11 notes and then rebut at the end. This way, after every
12 witness, and he rises, and we're just going to run out of
13 time.

14 CHAIRMAN ROBERTI: Yes, I agree. And --

15 CONGRESSMAN LUNGREN: Mr. Chairman, may I make a
16 reference on that point, please?

17 CHAIRMAN ROBERTI: Yes.

18 CONGRESSMAN LUNGREN: How many witnesses have you
19 had against me in the last two days?

20 CHAIRMAN ROBERTI: There have been quite a few.

21 CONGRESSMAN LUNGREN: And how many do you have
22 today?

23 CHAIRMAN ROBERTI: There are quite a few.

24 CONGRESSMAN LUNGREN: Twenty. We have nine or
25 ten.

26 CHAIRMAN ROBERTI: And we have given you the
27 chance --

28 CONGRESSMAN LUNGREN: We could have had more.

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1 CHAIRMAN ROBERTI: -- we have given you the
2 chance to rebut at length to show your prowess as an
3 officeholder and a debater.

4 CONGRESSMAN LUNGREN: Let's not play games,
5 Mr. Chairman.

6 CHAIRMAN ROBERTI: We're not playing games.

7 CONGRESSMAN LUNGREN: You know what's going on
8 here. You've added witnesses today so that you can pack
9 the whole day.

10 CHAIRMAN ROBERTI: No, you're going to be given
11 full time.

12 CONGRESSMAN LUNGREN: And some suggestion by
13 Senator Mello that somehow I should sit here for another
14 full day until we have a chance for our witnesses, that
15 somehow I am out of order by responding to them.

16 CHAIRMAN ROBERTI: I'm the Chairman. Senator
17 Mello has made a suggestion, Congressman. And I will go
18 out of my way to make sure you have ample opportunity
19 to rebut as I believe I have.

20 Mr. Horikawa.

21 SENATOR CRAVEN: Mr. Chairman.

22 CHAIRMAN ROBERTI: Yes.

23 SENATOR CRAVEN: If I may just a moment. If we
24 take some 20 more witnesses and wait till -- following
25 their testimony to try to sum up, I think it's going to
26 be very, very difficult. I think it's entirely possible
27 the Congressman would not choose to respond to all
28 comments made. But I think to have him sit there through

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1 twenty witnesses and make notes and then come back at a
2 later time to pick each one of those out would not really
3 serve a very distinct purpose.

4 CHAIRMAN ROBERTI: I agree with you, Senator.
5 And the Congressman will be given a chance to rebut,
6 if he chooses, before we break for lunch, and then
7 another chance at the conclusion of the day's witnesses.

8 SENATOR CRAVEN: That would be most helpful.
9 Thank you.

10 CHAIRMAN ROBERTI: Mr. Horikawa. We will never
11 ever get through the witnesses.

12 SENATOR ELLIS: Could I? Just a procedural --

13 CHAIRMAN ROBERTI: Yes, procedure,

14 SENATOR ELLIS: Is it absolutely necessary that
15 we conclude today?

16 What I would like to suggest and even offer a
17 motion, if it's in order, is that there's no way that
18 we're going to get through 20 opposition witnesses and
19 nine proponents with rebuttal and statements and et cetera
20 in any reasonable time on Thursday of this date.

21 And I'd like to suggest that we conclude at a
22 reasonable hour today and we take up the matter again at
23 9:30 tomorrow morning.

24 CHAIRMAN ROBERTI: That may have to be. So, why
25 don't you hold your motion, and I'm going to try to be
26 fair to all the witnesses. And if we have to come back
27 Friday, I'm prepared to do so.

28 CHAIRMAN PETRIS: Mr. Chairman?

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1 CHAIRMAN ROBERTI: Mr. Horikawa. Yes,
2 Senator Petris.

3 SENATOR PETRIS: I just want the Committee to
4 know that I won't be here in the morning, because of a
5 long-standing commitment, and I have a problem with that.

6 CHAIRMAN ROBERTI: Well, we understand that.

7 SENATOR PETRIS: And I just want the members to --

8 CHAIRMAN ROBERTI: We'll try to get through the
9 witnesses today. If we can't, we will try to make
10 another arrangement. Mr. Horikawa, you are up.

11 MR. HORIKAWA: Thank you, Mr. Chairman,
12 distinguished members. I appreciate the opportunity to
13 testify before your Committee today.

14 As has already been stated, my name is Harvey
15 Horikawa. I'm a third generation Japanese American. I'm
16 also a partner in the Los Angeles law firm of Morinaka,
17 Horikawa, Ono, and Yamamoto.

18 Both my parents were born in California, and both
19 my parents were interned during World War II. I'm also
20 a member or a commissioner on the Commission for Fair
21 Employment and Housing for the State of California. And
22 as all of you know, I'm sure, that this Commission is
23 charged with the duty of protecting civil rights in this
24 State to the extent that we decide cases involving
25 allegations of discrimination based, among other things,
26 on race, sex, age, and national origin. I was appointed
27 to this Commission in 1984 and confirmed by this Senate
28 shortly thereafter,

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1 However, for the record, I am not testifying
2 today on behalf of the Commission, nor am I testifying
3 in my official capacity as a State Commissioner on that
4 Commission.

5 I am here only as a private citizen who is very
6 concerned with civil rights. In my service on the
7 Commission, I personally have been charged with the
8 responsibility of identifying violations of our civil
9 rights laws and determining the appropriate remedy. I
10 believe the appropriate remedy for those types of
11 violations should be expressed in monetary damages. The
12 reason for that is because through monetary damages, we
13 can come as close as possible to adequately compensating
14 the victim or victims of that discrimination.

15 As important, we can also then take a giant step
16 towards deterring future violations. I also believe
17 that the primary purpose underlying all civil rights laws,
18 not only on the State level, but the Federal level as
19 well, is to clearly demonstrate a total, total commitment
20 to fairness and justice.

21 I also believe that Mr. Lungren's opposition to
22 monetary reparations contradicts the very spirit,
23 tradition, and purpose of our civil rights laws -- both
24 State and Federal.

25 He characterizes the false imprisonment of
26 thousands of Americans solely because of their Japanese
27 ancestry as a wrong. And I think that we would all agree
28 that it was a wrong. It was an injustice. I think we

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1 would also be hard-pressed to find anybody in this room
2 who would disagree or debate that certain civil rights
3 were denied to 120,000 American citizens solely because of
4 a particular ancestry.

5 What bothers me is that he characterizes this as a
6 wrong which does not warrant an appropriate remedy. Now,
7 I'm troubled. I'm troubled by his position, because my
8 parents were two of those Americans. I'm also troubled
9 by that position --

10 CHAIRMAN ROBERTI: One second, Mr. Horikawa.
11 Will the people please watch the door so we can hear his
12 testimony? Will the Sergeant watch the door that it
13 doesn't constantly open back and forth? I cannot hear
14 what is going on. Please, Sergeant, close the back door.

15 Yes. Thank you, Mr. Horikawa.

16 MR. HORIKAWA: Thank you, Mr. Chairman. As I
17 said, I'm troubled by his position, because my parents
18 were two of those Americans. I'm also troubled by his
19 position, because it categorically denies that any damages
20 were actually suffered by all of those Americans that were
21 incarcerated during the Second World War.

22 But I'm the most troubled, because I believe
23 his position sends out a very dangerous message regarding
24 the stature of civil rights in this State.

25 Again, I thank you for the opportunity to voice
26 my concerns.

27 CHAIRMAN ROBERTI: Mr. Horikawa --

28 MR. HORIKAWA: Yes?

1 CHAIRMAN ROBERTI: -- for the record,
2 because you contacted us, we did not contact you?

3 MR. HORIKAWA: That is correct, sir.

4 CHAIRMAN ROBERTI: And you contacted us, I believe,
5 Monday night, or whenever, I can't remember when it was.

6 MR. HORIKAWA: It was within the relative past.
7 And again, my reasons for contacting you and my reasons
8 for wanting to voice my concerns today is because, not
9 only as a Japanese American whose parents were
10 incarcerated, but also a Commissioner on Fair Employment
11 and Housing Commission.

12 CHAIRMAN ROBERTI: And you're a Commissioner
13 on Fair Employment -- I take it you're a Republican?

14 MR. HORIKAWA: That is correct, sir.

15 CHAIRMAN ROBERTI: And you were appointed to the
16 Commission by Governor Deukmejian?

17 MR. HORIKAWA: That is correct, sir. And I was
18 confirmed by this Senate.

19 CHAIRMAN ROBERTI: And you have taken it upon your-
20 self and yourself only to come testify before us.

21 MR. HORIKAWA: That is correct, sir.

22 CHAIRMAN ROBERTI: On this matter. Thank you.
23 Any questions? No questions. Thank you, Mr. Horikawa.

24 The next witness is the Honorable Mario Obledo,
25 former Secretary of Health and Welfare, State of
26 California and the Chairman of the Coalition of
27 California Hispanic Organizations. Mr. Obledo. He is
28 not here? Okay.

1 Mollie Fujioka, Northern California District
2 Governor of the Japanese American Citizens League.

3 Ms. Fujioka?

4 MS. FUJIOKA: Thank you, Mr. Chairman. My name
5 is Mollie Fujioka, and I am the Governor of the Northern
6 California-Western Nevada District Council of the Japanese
7 American Citizens League, also known as JACL.

8 Our district is composed of 34 chapters, with
9 a membership of over 10,000. The national organization
10 has approximately 26,000 members.

11 The district which I head wishes to inform the
12 Senate Rules Committee on the office of the State
13 Treasurer that it opposes the confirmation of Dan Lungren
14 to the position of State Treasurer.

15 We would have preferred that all Californians,
16 including the individual members of my district, be given
17 an opportunity to cast a ballot. Lacking that
18 alternative, I have been empowered to voice a collective ballot
19 in opposition to the confirmation of Dan Lungren.

20 During our review of the candidate's qualifications,
21 our initial concerns were centered around his opposition
22 to the legislation which will provide reparations to
23 Japanese Americans who were thrown into concentration
24 camps during World War II.

25 Incidentally, I'm one of the 120,000 that
26 Mr. Horikawa, who just testified -- I was one who was in
27 such a camp.

28 Mr. Lungren based his opposition on the claim that

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1 full and just compensation had been paid under the
2 Japanese American Evacuation Claims of 1948. Mr. Lungren
3 was a member of the Commission on Wartime Relocation and
4 Internment of Civilians, which heard voluminous testimony
5 that only a miniscule number of claims were accepted for
6 review. And of those accepted for payment, the amount
7 was 12 cents on the dollar.

8 We maintain, gentlemen of the Senate Committee,
9 Rules Committee, the conclusion of just and full
10 compensation is flawed. This is one example of the
11 flawed judgment impelled my organization (sic) to look
12 more closely at Mr. Lungren's congressional record.

13 That record reveals that a civil rights
14 organization, such as ours, has good reason to be
15 concerned. The people of California have good reason to
16 be concerned about sound judgment in the management of
17 the people's money.

18 May I recite a few examples of judgment that were,
19 in my view, flawed? Mr. Lungren voted against the
20 Equal Rights Amendment. He voted against the Civil
21 Rights Act of 1984, stating that other federal laws made
22 it unnecessary. He voted to eliminate the Legal Services
23 Corporation, which provides legal representation for the
24 poor. He voted against the 1980 Housing Act amendment
25 to strengthen fair housing laws,

26 He voted against imposing sanctions on South
27 Africa. He voted against legislation which ensured
28 minimum benefits for Social Security beneficiaries.

1 Mr. Chairman, as we approach the year 2000,
2 California's population will become more ethnically
3 diverse and its financial condition more complex.
4 California will need a State Treasurer that will exercise
5 sound judgment in the face of fiscal complexity.

6 Mr. Lungren's voting record does not inspire
7 confidence. We urge you to reject his confirmation.
8 Since I am one of the 120,000 that had been in camp, I am
9 perfectly willing at this time to answer any questions
10 concerning my experience.

11 Thank you for giving me this opportunity to
12 share our organization's view with the Committee.

13 CHAIRMAN ROBERTI: Thank you, Ms. Fujioka.
14 Senator Petris.

15 SENATOR PETRIS: I noticed in the Assembly, you
16 were asked to -- since you did go through it -- there are
17 a lot of people who don't know anything about that,
18 haven't even read much in history, other than us oldtimers
19 who were there at the time, can you briefly recite
20 what happened to you specifically and your family, how
21 that worked?

22 MS. FUJIOKA: I was 17 at the time, Mr. Petris,
23 living in the State of Washington, in the southern
24 portion of the State. I was a junior in high school. And
25 with the order having come -- Executive Order 9066 from
26 President Roosevelt -- our family's life went into chaos.

27 My father, who was an alien, not being able to
28 become a citizen, also my mother, had planned that us

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1 children -- second-generation Japanese Americans --
2 who were, of course, citizens by birth, would remain.
3 And with the order coming that all of us were going to
4 camp, it meant another plan. And that meant that we had
5 to get rid of all our household goods, get rid of the car
6 that we had just purchased; that I had to adhere to the
7 curfew. In my junior year, I was very active in high
8 school. I had to get into the house before the curfew
9 hours took place.

10 The worst part of this whole experience was the
11 uncertainty of what was to happen. The U. S. Government
12 said that, yes, you could store your goods, but at your
13 own -- it may not be there when you want it. So based
14 on that, our family sold or gave away everything. And as
15 I had said to Miss Waters, it may be symbolic, but my
16 mother and her insistence, decided to keep two items, and
17 they were the kitchen stove and the Singer treadle sewing
18 machine, both of which were used right after we left
19 camp.

20 As a junior in high school, the biggest concern I
21 had was whether I would be able to finish my high school
22 education and, more than that, go on to college.

23 As it turned out, with having to be picked up
24 at my home with guarded soldiers, these military men in
25 a truck, it became very apparent to us that Uncle Sam
26 really meant what he was saying. And we were put into --
27 we boarded a train --

28 SENATOR PETRIS: How much notice did the family

1 get?

2 MS. FUJIOKA: We were given possibly six weeks
3 notice, a little more than maybe many other people. But
4 in those six weeks, it meant that we had to get rid of our
5 household goods, we had to get ready for the camp life,
6 which we were told the climate would be very drastic and,
7 therefore, we needed warmer clothing.

8 Of course, in those days, one didn't travel very
9 much. So we didn't have duffle bags, we didn't have
10 suitcases. So anything that we sold -- for instance,
11 our refrigerator for \$15 -- all the money had to go towards
12 purchasing such things as warmer clothing and suitcases.

13 We were also told that we would be probably living
14 in a situation where we would have to go outside to go to
15 the bathroom, entailing us to need bathrobes. I mean,
16 if you can think in terms of such fundamental things
17 such as that, it meant that each member of the family
18 had to get a bathrobe, too.

19 And certainly, all this came true. Once we were
20 in camp, we stayed in barracks, and a bathroom was down
21 outside in what we call latrines, Army style. It was
22 humiliating to say the least in terms of the stalls not
23 having doors. If you could imagine what, as a teenager,
24 I felt that my privacy was completely invaded, not to
25 mention the other members of the family.

26 Anything that meant -- that we had to wash our
27 clothes was -- certainly in 1941, by that time, we were
28 able to purchase at home a washing machine at least, one

1 with --- not the kind we have now, but certainly
2 didn't have to wash things by hand with a scrub board.
3 This is the kind of thing that we had to do to wash our
4 clothes and to hang them up. It was just going back to
5 very primitive days.

6 But I think the worst part was the uncertainty of
7 what was going to happen. The irony of having to study
8 the U.S. Constitution in the history class as a senior
9 there in camp, having been put into a camp, and all of our
10 constitutional rights having been taken away from us, that
11 to me was the greatest irony. Taking chemistry without
12 any equipment. I -- you know, it has not been the easiest
13 thing for me to talk about it. But I feel it's necessary,
14 because it's not in our history books. I encounter many,
15 many people who don't know anything about what had happened
16 to us. And so, when we were told that, yes, we don't need
17 any compensation, it's not the material things we're
18 talking about.

19 I think the way the country, our beloved country --
20 and I must say this, that my father was very, very bitter
21 of what happened to us, not so much to him as to his
22 children. But later, in 1953, he did become a U. S.
23 citizen, and he did say this, and I shall never forget
24 that. That only in America can this kind of thing happen,
25 where we were thrown into camps, not only the aliens but
26 the Japanese Americans. Our children, But that in
27 later years, that this is one way that he thought it was
28 a forgiveness, being able to become an American citizen.

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1 So he died very happily thinking, well, this
2 happened, but I hope there's something more down the road
3 for you as citizens. He never forgot that we, as citizens,
4 did not get the kind of treatment that we should have.

5 And I, for one, for my children, too --
6 Mr. Horikawa is a third generation that my children are --
7 I, for one, hope that for our own dignity, that we will get
8 full compensation as a symbolic gesture. And this is why
9 I feel that Mr. Lungren really doesn't understand what
10 we have gone through, despite the fact that he had been on
11 the wartime commission, despite the fact that he had heard
12 or should have heard hundreds and hundreds of testimony,
13 the heartbreaking kinds of stories. My story is nothing,
14 Mr. Chairman -- Mr. Petris, compared to the others.

15 Where there was death involved, where there was
16 illness involved, where fathers were taken away and they
17 have never seen them. My story is very minor compared to
18 that.

19 But my heart aches when I hear these other
20 stories. And believe me, it comes constantly. We hear
21 about it constantly. There isn't a day that goes by, as
22 Governor of this District, I am encountering other
23 people's stories, because they don't feel free to talk
24 about it.

25 SENATOR PETRIS: Where was your camp?

26 MS. FUJIOKA: My camp was in Northern California,
27 Tule Lake,

28 SENATOR PETRIS: Have you read the book, "And

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MS. FUJIOKA: I most certainly did.

SENATOR PETRIS: Is the accounts in that book typical, reflective of actual experiences?

MS. FUJIOKA: I would say so. Each one of us, depending on the age that we were, had different experiences.

Now, many people, in fact, in many of the high school classes, "Farewell to Manzanar" (phonetic) is being read by the students. And I'm glad there is a point where the students could learn a little bit about this.

However, when I do speak to these classes, I do tell them there is a difference when Miss Wakasuki was a seven-year old. There is a big difference between a seven-year old and a seventeen-year old, or a 25-year old, or a 30-year old.

All of us encountered different kinds of experiences depending on the age that we were. And in some ways, I was perhaps more fortunate than others, that I was at this age of 17. Though it was psychologically very hard on me not knowing whether I would be able to go on -- and I must say this. With our background of education and the importance of it, I will never forget the fact that the internees, with their \$16 monthly, you know, salary that they got for work, got together and gave six of us seniors a scholarship, enough to get out, \$250 as I recall, but it was a start.

1 And when you think in terms of the 1941
2 dollars -- this was 1943 by that time -- when you think of
3 that and the kind of attitude and the spirit that existed
4 in the camp, I can't help but be so thankful to our older
5 generation.

6 And sitting in the audience is Mr. Jerry Enomoto
7 who also was in camp with me, and he, too, was a
8 recipient of a scholarship. And he has given to the
9 State of California. All of us feel, though I'm a native
10 of Washington, I have been in California since 1956. And
11 I am interested and do participate in the political
12 process.

13 And as citizens, I do feel, despite what had
14 happened to us, that we are contributing members of
15 society.

16 SENATOR PETRIS: Thank you.

17 MS. FUJIOKA: Thank you for the time.

18 CHAIRMAN ROBERTI: Thanks again, Ms. Fujioka.

19 MS. FUJIOKA: Thank you for your patience.

20 CHAIRMAN ROBERTI: The next witness is Midori
21 Kamei, and we will ask the witnesses if they could try to
22 keep their presentations to within five minutes. Ms.
23 Kamei.

24 MS. KAMEI: Thank you. I'd like to introduce
25 myself also as the President of the South Bay Chapter
26 of the Japanese American Citizens League. I'm also a
27 full professor of psychology at El Camino College, in
28 private practice as a licensed marriage family counselor,

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1 and I'm also a county commissioner, a member of the
2 Governing Board of the South Bay Mental Health District.

3 Mr. Roberti, members of the Committee, I do
4 appreciate this opportunity to speak to you people in
5 opposition to Mr. Lungren's appointment.

6 I reside in your district, Mr. Lungren, and as
7 president of the South Bay Chapter, we wrote numerous
8 letters, we made numerous phone calls asking for a chance
9 to give our impressions and speak our point of view.
10 Our letters were totally disregarded, our phone calls
11 were disregarded. Finally, one of the office members said
12 to us, "Why don't you come to the public forum if you have
13 any questions?"

14 And, as you know, I was also among the 120,000
15 of the Japanese Americans who were evacuated in 1942. I'll
16 never forget the night I made a vow. I looked up and saw
17 the searchlights with machine guns manned by soldiers.
18 We had 5,000 Japanese Americans who were in uniform at
19 that time, including many friends of mine. And yet, we
20 were confined behind those barbed wires.

21 My family and I were put into the smelly, dark,
22 dank stables for four months. And at that time, I made
23 a vow that if I'm ever free again, I would fight for
24 freedom, because you know what I realized? That the
25 fight for freedom and justice is a lifelong battle. That's
26 one of the reasons I'm here today.

27 As I said before, my parents lost a very thriving
28 blackberry farm. The animals had to be sold. The equipment

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1 was dispersed. And we were never compensated for our
2 losses, because we never had no records of these losses.

3 My parents were then forced to go to Santa -- to
4 Hart Mountain. And they had to stay in Hart Mountain
5 for four years, because they had no place to go. Both of
6 my brothers had been inducted into the United States Army.

7 Finally, did they join me in New York City where
8 I was working my way through Columbia University. My
9 mother, who had been born in an upper class family in
10 Japan, had worked as a surgical nurse before her marriage,
11 could only get a job as a cleaning woman in New York City.

12 My father was psychologically unable to work
13 again. The plight of my husband's family is even more
14 tragic.

15 My father-in-law was a very prosperous painting
16 contractor in Los Angeles. Unfortunately, he contracted
17 pneumonia just before evacuation. His doctors wanted him
18 to be hospitalized. However, the WRA officials would not
19 comply. When he went into Santa Anita, the Santa Anita
20 Hospital would not accept him. They could not even fill
21 his prescription. They even denied him a half a pint of
22 milk. And in a month's time, he died. The family was
23 never compensated for those losses.

24 At present, I'm -- as a professor of psychology
25 at El Camino College, we often discuss those two issues,
26 because psychologists, as Abraham Maslow and Erich Fromm,
27 describes the mentally healthy individual as someone who
28 is interested in social issues as a mission in life.

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1 However, so many of my college students are
2 very disillusioned and cynical about politics. And so,
3 you know what they often ask me? They say, "How do you
4 judge a suitable candidate for public office?"

5 My usual response is, "Look at their voting
6 record."

7 So, let's see how Mr. Lungren voted on educational
8 issues first. In 1979, he voted against establishment of
9 a Department of Education, a separate entity from the
10 Health and Education and Welfare.

11 In 1984, he voted to cut spending on education
12 from \$1.7 billion to \$944 million.

13 Recently, Mr. Lungren voted against AIDS
14 research. This is especially frightening, because many of
15 my college students are totally unaware of the dangers
16 involved. And as medical experts are predicting, each
17 year the death from AIDS is doubling. And last year,
18 Mr. Lungren voted against the creation of a National
19 Commission on AIDS.

20 What is his position on school lunches? Just
21 last week, I visited my four grandchildren in their
22 elementary school. Much to my relief, I learned that
23 they were receiving free school lunches. At their home,
24 I noticed the almost bare cupboards and the refrigerator.
25 Their father was wounded in the Vietnam War. His injuries
26 necessitate that he returns to college to be retrained.

27 My daughter just received her Master's degree in
28 counseling and is working for a counseling license. And

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1 she is the main support of this struggling family.

2 Mr. Lungren voted to cut funding and limit school
3 nutrition programs and school lunches in 1984.

4 Another of my concern is in community mental
5 health. As I said before, I'm a member of the South Bay
6 Mental Health District Governing Board. Month after
7 month we listen to the plight of the chronically mentally
8 ill, the sexually abused, the homeless, the hungry, and
9 the elderly. This winter when the temperature dropped
10 to 40 degrees, when you and I were planning for the
11 holidays in the warmth of our homes, social workers from
12 the Coastal Community Mental Health Center were searching
13 the back alleys and the beaches of Mr. Lungren's
14 congressional district -- parts of it in San Pedro and
15 Long Beach -- trying to get the homeless into emergency
16 shelters.

17 To our dismay, we learned that food had not been
18 provided. All they had was coffee to drink. If such an
19 emergency arises again, these unfortunate fellow Americans
20 will not go hungry. I was able to find private sources
21 for food in the community. My El Camino College students
22 have volunteered to be on a standby basis if the need
23 arises again.

24 How does Mr. Lungren vote on issues of hunger?
25 In 1987, he voted against the reestablishment of a Select
26 Committee on Hunger. Fortunately, it passed the House
27 at a vote of 312 to 89. He voted against the Homeless
28 Assistance Act. He voted against increased funding for

1 meals for older Americans. Even in Gardena, hundreds
2 of senior citizens can get a warm, nutritious meal for
3 a dollar and a quarter.

4 CHAIRMAN ROBERTI: Ms. Kamei, you have one more
5 minute.

6 MS. KAMEI: Thank you. I'm just about finished.
7 He also voted against maximum benefits for Social Security
8 benefits. The average Social Security benefit is \$500
9 a month. Can any of us imagine what it is to live on
10 \$500 a month?

11 Mr. Lungren voted against catastrophic insurance.
12 Surely, from the 14 million Californians (sic), there must
13 be someone more compassionate and empathetic to fill this
14 position as State Treasurer. Thank you.

15 CHAIRMAN ROBERTI: Thank you, Mis Kamei. Any
16 questions?

17 We appreciate your testimony.

18 MS. KAMEI: Thank you.

19 CHAIRMAN ROBERTI: The next witness is
20 Mr. Fred Hirasuna of Fresno.

21 MR. HIRASUNA: Mr. Chairman and members of the
22 Commission (sic). My name is Fred Yoshio Hirasuna. I am
23 an American citizen of Japanese ancestry. My parents
24 were immigrants from Hiroshima, Japan. My father was
25 admitted to the United States in 1900, my mother in 1903.

26 I was born in Lodi, California, February 11, 1908,
27 which makes me 80-years old. I have lived in
28 California all of my life, except for a period of five and

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1 half years, during which time I and my family were
2 evacuated from the State.

3 I am presently a resident of Fresno, California.
4 I am presenting this testimony as an individual, who
5 together with his entire family, suffered the economic
6 losses, the traumas, and the hardships of evacuation.

7 In the year 1942, I suddenly found myself in
8 charge of and making the hard decisions for an extended
9 family, consisting of my father, my father, my sister, my
10 sister-in-law, my wife, and three children, ages six,
11 three, and a boy that was born February 2nd, 1942.

12 In view of the number of participants and in view
13 of the shortness of time, I'm going to confine my remarks
14 solely to the fact that Congressman Lungren voted against
15 reparations of the Japanese Americans for the concentration
16 suffered (sic) during World War II.

17 Congressman Lungren was a member of that
18 Commission that decided that the evacuation and internment
19 was a result of race prejudice, war hysteria, and a
20 failure of political leadership. However, he still -- he
21 does not and still doesn't -- he did not and still does
22 not believe that any reparation should be paid.

23 And at this point, I wish to say to Mrs. Lungren,
24 I do not think that Congressman Lungren is a racist. But
25 by his speeches and interviews subsequent to the findings
26 of the Commission, to which he agreed wholeheartedly,
27 except for the payment of redress, he has condoned, if not
28 justified, the actions of our government in interning

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1 Japanese Americans because of the very war hysteria
2 that he had previously condemned. He has justified the
3 nonpayment of individual redress, because he believes
4 that the Evacuation Claims Act of 1948 paid for all
5 justifiable claims.

6 He believes at the present, that it might set a
7 precedent for claims from other minorities who feel that
8 they have been wronged and because of the present
9 precarious condition of the national treasury.

10 I think that Congressman Lungren is an honest
11 person, and that he is sincere in his belief that
12 reparation should not be paid for the reasons that he has
13 stated. But I think that he's seriously flawed in his
14 reasoning. I question his rationale for condemning the
15 program of individual reparations.

16 I think it's been previously testified that the
17 Evacuation Claims Act of 1948 did not pay -- paid for only
18 a very small fraction of the 26,522 claims presented, which
19 is less than \$37 million. The total economic loss at that
20 time in 1942, was estimated by the Federal Reserve Bank
21 of San Francisco to be at least \$400 million. Some
22 90,000 claims were not filed.

23 In terms of 1983 dollars, the losses of income
24 and property compounded by inflation have been estimated
25 to be between \$2.7 and \$6.2 billion.

26 In 1950, when payments were made under this
27 Evacuation Claims Act, most of the evacuees were only four
28 years out of internment and were in dire economic straits.

1 For all practical purposes, they were forced to accept
2 any amount that the government chose to give them for
3 compensable items as arbitrarily determined by the
4 government.

5 As a condition of the compromised settlement,
6 a ceiling of \$2,500 or 75 percent of the value of
7 compensable items, whichever was the less, was established.
8 An appellate court at that time stated: "We are mindful
9 of the hard choice to which Congress put the evacuees.
10 By forcing them to choose between a ready administrative
11 remedy and a costly court suit, Congress effectively
12 forced evacuees to settle for half a loaf rather than
13 fight for what the Constitution declares to be theirs by
14 right."

15 But, even more important than these economic
16 losses, were the loss of liberty, the breakup of families,
17 and the deaths caused by the privations of internment.

18 You will remember that in 1971, some 7,000
19 Vietnam War protesters marched on Washington. And many
20 were confined in the Robert J. Kennedy Stadium for a
21 maximum of four days. A district court awarded damages
22 of \$2 million and payments ranging from \$50 to \$1,800 to
23 some 1,200 protestors for illegal deprivation of freedom.
24 And you compare that with three and a half to four years.

25 However, you must remember this: That internment
26 years of three and a half to four years --

27 CHAIRMAN ROBERTI: You have one more minute,
28 Mr. Hirasuna.

1 MR. HIRASUNA: Okay. You must remember that
2 internment years of three and a half to four years does
3 not mean anything. When the evacuees were turned loose
4 after evacuation to fend for themselves in hostile
5 communities, they had to start from the very bottom. And
6 it was a hard struggle.

7 Some -- most -- it took most evacuees five, ten,
8 15, 20, and more years to reestablish themselves into the
9 post-War economy.

10 And my, myself, it took me many, many years to
11 establish my business. There were times when I did not
12 know whether I could feed my family or educate our kids.

13 I have much more to say, but I guess I don't have
14 the time to say it. I'd like to leave a copy of my
15 remarks.

16 CHAIRMAN ROBERTI: Please do. And I'm sorry we
17 had to --

18 MR. HIRASUNA: But may I conclude with this?

19 CHAIRMAN ROBERTY: Yes, please.

20 MR. HIRASUNA: Let me repeat. We were American
21 citizens and our parents were legal alien residents,
22 accused of no crime, except that of ancestry; torn from
23 our homes, forced to dispose of our possessions, confined
24 in internment camps for the duration, and turned loose
25 after the War to fend for ourselves in hostile
26 communities.

27 I think that Congressman Lungren, while freely
28 acknowledging violations of constitutional rights of

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1 Americans of Japanese ancestry, does not seem to have
2 the courage to look beyond the fiscal problems of our
3 government. He does not seem to be able to reconcile his
4 moral philosophy with his fiscal conservatism.

5 He does not seem to understand or does not wish
6 to understand that this gross violation of constitutional
7 rights deserves more than a mere apology. An official
8 apology is due, but the symbolic payment of redress is
9 equally important.

10 And may I conclude with this? That I am also a
11 Republican. I voted for President Reagan in his two
12 presidential campaigns. I voted for Governor Duekmejian
13 in his gubernatorial campaign.

14 I think that I, too, am a fiscal conservative.
15 But I think fiscal conservatives must stop at a point
16 where things that are a matter of justice should be
17 considered different from other matters. And I think
18 that that's where Mr. Lungren fails. He is not able to
19 reconcile his moral philosophy with his fiscal
20 conservatism.

21 Thank you.

22 CHAIRMAN ROBERTI: Thank you very much, Mr.
23 Hirasuna. We appreciate your testimony. Any questions?

24 We'll take the remainder of your remarks and place
25 them in the record for the members of the Senate to see
26 along with other recorded remarks, such as Congressman
27 Lungren's letters.

28 The next witness is G. Akito Maehara of the

1 National Coalition for Redress and Reparations from
2 Los Angeles. Mr. Maehara.

3 MR. MAEHARA: Mr. Chairman, I thank you for the
4 opportunity to come before this Committee and give my
5 testimony.

6 My name is Akito Maehara, and I come before this
7 Committee today representing the Californians for
8 Responsible Government and the National Coalition for
9 Redress and Reparations.

10 I join with those who have come to our State
11 Capitol to voice their opposition to the nomination of
12 Congressman Dan Lungren to the Office of State
13 Treasurer.

14 Mr. Lungren's beliefs and attitudes are reflected
15 in his voting record and actions during his nine-year-term
16 of service as a member of the House of Representatives.
17 In regards to the issues of human and civil rights and
18 human services, Mr. Lungren's record reflects a lack of
19 sensitivity towards issues which address the needs of women,
20 minorities, labor, children, seniors, and the environment.

21 As Outreach Chair for the National Coalition for
22 Redress and Reparations, I would like to take this time
23 to review Mr. Lungren's role in the Japanese American
24 redress issue, and to raise concerns related to his
25 understanding of civil and human rights which arose from
26 his actions on this issue.

27 Mr. Lungren was among those who cosponsored the bill
28 to create the Commission on Wartime Relocation and

1 Internment of Civilians. He then became the vice
2 president of the Commission and the only elected official
3 to serve on the Commission.

4 The Commission was charged with the duty of
5 hearing testimony from survivors of the camps, reviewing
6 the facts and circumstances surrounding Executive Order
7 9066, reviewing the directives of the U.S. military, and
8 making appropriate recommendations for remedies.

9 In carrying out its duty, the Commission held a
10 total of 14 days of hearings in six cities throughout the
11 nation, and heard testimony from 635 witnesses. This
12 could have been a golden opportunity to gain first-hand
13 knowledge and understanding of an important period in
14 California and U.S. history, and to be a participant in
15 bringing full justice to an entire nationality which has
16 suffered 44 years of shame after their imprisonment in
17 wretched barbed-wire concentration camps. Instead, Mr.
18 Lungren heard testimony from only 104 witnesses, or less than
19 17 percent of the total. The reasons for this is that
20 Mr. Lungren had a very high absentee rate.

21 In Los Angeles, Mr. Lungren attended one full day
22 of hearings out of three days. On the second day, he
23 attended part of the hearing and left before lunch on the
24 third day.

25 In San Francisco, Mr. Lungren heard the
26 testimonies of 27 of 143 witnesses. In this instance,
27 Mr. Lungren attended a small part of the first hearing,
28 left the second day of hearing early, and was absent from

1 the third day.

2 Mr. Lungren did not attend any of the hearings
3 conducted in Alaska, the Cities of Seattle, Chicago,
4 or Cambridge.

5 In all, Mr. Lungren was absent from almost two-
6 thirds of the hearings, in partial attendance in almost
7 one-third, and only attended one of the 14 full days of
8 hearings.

9 Not only did Mr. Lungren have a high absentee
10 rate during the hearings, he went on to become the lone
11 dissenter of the Commission's recommendation for
12 monetary restitution of \$20,000 to each camp survivor.
13 Later, Mr. Lungren became the leading proponent of an
14 amendment to eliminate monetary compensation from the House
15 bill, HR 442.

16 Mr. Lungren has put forth the claim that he
17 believes the internment was wrong and deserves an
18 official apology and an establishment of an educational
19 trust fund. But other statements he has made lead us to
20 question his sincerity. On September 17th, 1987, the
21 bicentennial celebration of the signing of the U. S.
22 Constitution, during the House of Representatives debates
23 on the Civil Liberties Act of 1987, Lungren appeared to
24 justify the incarceration by his consistent references to
25 the intercepted and decoded cables of the Japanese Imperial
26 Government, the so-called "magic cables," which Lungren
27 admits falsely refer to the use of Japanese Americans as
28 spies.

1 "In retrospect. . ." and I quote him here.

2 "In retrospect, we know those cables
3 were in error. They were wrong. For
4 what reason they were wrong, we do not know."

5 What is troubling is Mr. Lungren's consistent
6 use of this false argument, which is brought up in a
7 manner to cast doubt upon the character and loyalty of
8 Americans of Japanese ancestry. One does not want to see
9 this type of negative tactic used by a constitutional
10 officer against an ethnic nationality during state debates.

11 California is made special by its ethnic
12 diversity. We would not want to see this type of guilt
13 by race or nationality rationale used against any of these
14 groups or other disadvantaged sectors who may be seeking
15 justice on the State level.

16 Again, during the 17th of September House
17 debates, Mr. Lungren stated, "We, as a nation, had a
18 responsibility to clear the record of any insinuation that
19 those who were involved, that is those Japanese Americans
20 and those Japanese nationals living in the U.S. were
21 anything else than loyal Americans."

22 And yet, again and again, he insisted on reading
23 numerous passages from those cables to try to justify the
24 imprisonment of innocent Japanese Americans, each time
25 winding up the passages with statements such as, "But
26 please do not misunderstand. I believe the internment and
27 relocation experience of our fellow Americans. . . was
28 wrong. However, when a nation is at war fighting for its

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1 very survival, it should come as no surprise that
2 wrong-headed decisions were made."

3 And, "In retrospect, it is a slander against
4 the Japanese American community. We know now there was
5 no evidence, but the President did not know that."

6 Mr. Lungren's view, stripped of the apologetic
7 rhetoric, emerged when he argued that President Roosevelt's
8 decision to incarcerate Japanese Americans was not wrong,
9 but only that he should have let them out of the
10 concentration camps earlier. And I quote him here,

11 "I think that it is difficult
12 putting yourself in his shoes, to
13 condemn his actions at that time. I
14 think where a larger condemnation would
15 have come into place was his reluctance
16 to remove the Executive Order at an
17 earlier date. . . That I think, is a
18 failure of political leadership."

19 If this is his view, then it is merely a pretense
20 for him to say he is opposed to the internment. More
21 importantly, however, he misses the major point -- the
22 mass evacuation and internment of Japanese Americans was
23 unjust because it was carried out without due process of
24 law. Not a shred of evidence was brought forth at any
25 time against a single individual,

26 As the Commission on Wartime Relocation and
27 Internment of Civilians concluded, "The broad historical
28 causes which shaped these decisions were race prejudice,

1 wartime hysteria, and a failure of political leadership."

2 Property losses established by the Commission were
3 set between \$2 and \$6 billion in our current currency.

4 As a citizen, Mr. Lungren is entitled to his own opinion.

5 But as a representative and top official in the Federal or
6 State Government, he is sworn to uphold the U.S.

7 Constitution and the civil and human rights embodied within
8 that great document.

9 It would appear that there is a discrepancy
10 between the oath Representative Lungren has taken and his
11 interpretation of the application of these rights as it
12 pertains to the Japanese American community. We question
13 whether he sees an equal application of these rights
14 and privileges to all people, especially minorities and
15 the disadvantaged.

16 Another favorite argument Mr. Lungren used against
17 monetary compensation was that it could open a floodgate --

18 CHAIRMAN ROBERTI: Mr. Maehara, you have one more
19 minute.

20 MR. MAEHARA: Thank you. -- of past wrongs
21 committed against other minorities. And we ask, is this
22 something to fear? If someone or some group is wronged
23 by this country or by any other entity of this nation,
24 shouldn't they receive justice? Isn't this what we were
25 celebrating last year?

26 This is a man who led the fight against full
27 justice and compensation for a terrible wrong using an
28 argument of fiscal priorities; who, during that same year,

1 led the fight to win a \$12,100 a year increase in his
2 salary. Is this the type of selected fiscal policy we
3 want for this office? We say no.

4 The State Treasurer is more than a fiscal
5 technician. NCRR has found Mr. Lungren is not yet in
6 possession of those particular leadership qualities which
7 are so critical to the State of California, and so we
8 oppose his nomination to the Office of State Treasurer.

9 Thank you. And I have a copy of my testimony.

10 CHAIRMAN ROBERTI: Thank you, Mr. Maehara.

11 Senator Ellis has a question of you.

12 SENATOR ELLIS: Mr. Maehara, you seem to have a
13 vast amount of historical knowledge in regards to this
14 situation. I wonder if I could get some background from
15 you.

16 Do you know why in your studies of this situation,
17 why President Roosevelt issued the Executive Order?

18 MR. MAEHARA: There was a lot of information
19 that was kept from the President. One was the Ringle
20 report from Navy Intelligence. The conclusion of that
21 report was that Japanese Americans' loyalty was not
22 suspect at that time. There was a lot of information
23 that was suppressed, not only from the President, but
24 also in the court cases of Koramatsu Hirabiashi. And I
25 think it was Yasui. That had these reports been issued,
26 number one, the original report of General DeWitt and
27 the Ringle report, it would have shown that the decisions
28 were based on race prejudice, the suppression of evidence

1 that was being withheld that would contradict the
2 evidence that was submitted by General DeWitt.

3 SENATOR ELLIS: Thank you.

4 Also, in regard to the fact there was an
5 opportunity, as I recall, right after the war ended -- late
6 forties and early fifties -- when I think that Congress
7 acted and did have an official apology presented to the
8 Japanese Americans who were interned and also those who
9 were not in regards to that interment; is that correct?

10 MR. MAEHARA: In 1948, are speaking of the
11 Properties Claims Act of 1948 --

12 SENATOR ELLIS: Well, I thought there was --

13 MR. MAEHARA: -- or President Truman's pardoning
14 of the resisters?

15 SENATOR ELLIS: That, of course, but then didn't
16 something happen in 1952 in regards to an official
17 apology and statements to the effect that it was a mistake
18 and we realize it was a mistake, and that we wanted to make
19 it a part of the historical record that it was a mistake?

20 MR. MAEHARA: I would have to look through my
21 records.

22 SENATOR ELLIS: I believe it was. And as I recall,
23 it was 1952. But in '48, now each person who was
24 aggrieved and lost property, was given an opportunity to
25 apply for what we would probably call in the State here,
26 the Board of Control, to obtain monies for the losses they
27 sustained. Wasn't that correct?

28 MR. MAEHARA: Yes, that is correct, sir.

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1 SENATOR ELLIS: And --

2 MR. MAEHARA: But I'd have to make one correction.
3 That notification was not total. Notification had only
4 contacted 26,000 people out of the thousands of others
5 that could have taken advantage of this opportunity.

6 And one other correction is, there's a Catch 22
7 to this as some of our witnesses have already testified.
8 People were told that they could lock away their items
9 in storage at the risk of losing these items.

10 Many of the items were ransacked and pillaged
11 as people were in camps. Many of these items contained
12 receipts and ledgers. You couldn't prove losses without
13 receipts and ledgers. And so, basically, there was a
14 Catch 22 to that Property Claims Act. Could you produce
15 receipts and ledgers, you could claim the monies, the
16 monies at a highly reduced rate of currency I must add.

17 SENATOR ELLIS: But then there was an appeals
18 process, was there not, in case a person had a claim and
19 was not adequately or, in their mind, properly
20 compensated?

21 MR. MAEHARA: Yes, there was.

22 SENATOR ELLIS: So there was a procedure. And
23 I don't know why everybody wasn't notified. And I don't
24 know why everybody was not properly compensated. But
25 there was a procedure. There was a procedure. Well, thank
26 you. If I could just make a short statement, because I
27 think that ends the people who are going to speak in
28 regards to the reparations?

1 CHAIRMAN ROBERTI: I believe -- I don't know
2 about the next person or not.

3 SENATOR ELLIS: Well, since I have the floor,
4 I'll just take a minute. I don't know about Congressman
5 Lungren, but when I do not have a good feel for an issue,
6 I go to people that I believe in and people that I trust.

7 And I have some very close friends in San Diego
8 County that were in camps. And I talked to them just
9 last week again, because I've been talking to them for
10 three or four years, because we have had this subject
11 before us on the floor in the form of a resolution to
12 Congress.

13 And they still stand by the statement that
14 they want to make sure that the people in the United States
15 in the future understand what happened. And they want
16 the people to know that by historical reference. They
17 don't want something that fleets by in a newspaper and
18 then is dismissed, but they want it to be known to all
19 for all time. And I agree with them. I think that's
20 very fair and should be done.

21 In fact, I think some of the statements you have
22 made should be -- and I'm sure they are in the
23 Congressional Record --

24 MR. MAEHARA: Yes, they are.

25 SENATOR ELLIS: -- should be made available in
26 narrative form so that they can be also available in
27 libraries and we can study it and remember and not do it
28 again.

1 Then, the idea of the reparation, the
2 \$20,000 comes down, and I asked them, I said, "How much
3 did you lose?"

4 And they said, "Well, we were lucky, because
5 some neighbors took care of our stuff for us. And when we
6 came back. . ." they didn't lose anything.

7 But they knew people that lost a great deal. And
8 everything, such as some of the speakers we've had. But
9 they said, "We are not after the \$20,000," although they're
10 on the list. They want the public apology and they want
11 the education of the people in the future.

12 And I said to them, "Would you support a measure
13 that would reopen the redress commission, if that's what
14 it was, to allow people to reapply for their losses?"

15 And they said, "Yes," and they thought that would
16 be fair. And I think it would be fair also, because
17 \$20,000 doesn't mean a thing if you lost a million. And
18 \$20,000, to me, is rather an insult to many people that
19 lost much more -- their lives, as we have heard.

20 MR. MAEHARA: Senator Ellis --

21 SENATOR ELLIS: Just let me finish, and then --
22 I have taken a position through the years to do the public
23 apology, to assure we have an educational system that will
24 teach us not to do this again. But the \$20,000 rankles
25 with me, and obviously it rankles the Congressman, because
26 in many cases, it's just not adequate. And in some
27 cases, it's an insult, outright insult. Now, if you
28 would --

1 MR. MAEHARA: If I could respond to that. First
2 of all, let me clear the rationale. The \$20,000 is in no
3 way or means full compensation for the violation of
4 constitutional rights. However, the \$20,000 does
5 symbolize a token of good will from the gesture of the
6 government in upholding the meaning of the apology through
7 the allocation of funds and compensation.

8 This is a traditional form of compensation for
9 the violation of rights in our system of law in this
10 country. And so I wouldn't say that upholding a
11 tradition that this country has upheld for so long
12 could insult the citizenry of this country.

13 The other thing that I would like to say is that
14 there was a small minority of people who were reparated
15 under the Property Claims Act. Many of those people may
16 not feel at this point in time that is necessary to get
17 reparated anymore.

18 However, the vast majority of people in the
19 community were not reparated. The other thing is my
20 grandmother was the first Chrysler Plymouth dealer in this
21 country -- first Japanese American Chrysler Plymouth
22 dealer in this country. He knew John Chrysler as a best
23 friend.

24 After the war, because the community was spread
25 out and diversified, he had no more market. He went
26 bankrupt. He never got compensated. He told me to go to
27 Congress and demand restitution, not ask, but demand
28 restitution for what they did to him and his business.

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1 And so, there are a diverse amount of
2 experiences within the Japanese American community. I
3 don't think we can just focus on a small percentage of
4 that experience.

5 Thank you.

6 CHAIRMAN ROBERTI: Thank you, Mr. Maehara.

7 The next witness is Long Nguyen, representative
8 of the Vietnamese American Bar Association, of the
9 Vietnamese American Citizens Coalition, Japanese American
10 Bar Association.

11 MR. NGUYEN: Thank you, Mr. Chairman and
12 distinguished members of the Committee. I would like to
13 make one correction for the record. I do not speak on
14 behalf of the Japanese American Bar Association.

15 CHAIRMAN ROBERTI: I don't know how that got here,
16 but thank you very much.

17 MR. NGUYEN: Thank you. Well, let me just
18 introduce myself. My name is Long Nguyen, and I'm an
19 attorney, and I'm also a first generation Vietnamese
20 American in this country.

21 I am here today to speak on behalf of the
22 Vietnamese American Bar Association, an association just
23 recently formed, and comprised largely of Vietnamese-
24 speaking attorneys in the State of California. I'm also
25 representing the Vietnamese American Coalition for
26 Citizens' Rights, a special interest group, nonpartisan,
27 of course, who's -- actually the goal of the organization
28 is to address on those issue which are a great concern to

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1 our community.

2 Mr. Lungren has stated that he has been a strong
3 supporter of the rights of immigrants, implying thereby
4 that he receive him a very -- reciprocal support of that
5 community, a community numbering in the millions.

6 While we of the Vietnamese American Bar Association
7 and the Vietnamese-American Coalition for Citizens' Rights
8 make no pretense to speak on behalf of a so large and
9 diverse a group, we have been unable to find evidence of
10 any such support by the majority or even a substantial
11 minority of the 300,000-plus members of the Vietnamese
12 American community.

13 This Committee is, of course, fully aware of the
14 tremendous authority and power of the State Treasurer.
15 In controlling the State's finance, the Treasurer is in
16 a de facto position to dictate policy to virtually all
17 State agencies by the manner in which appropriations are
18 disbursed.

19 For this reason, the position of State Treasurer
20 is a constitutional office, whose elected occupant often
21 serves as a crucial part of the checks-and-balance system
22 functioning as a buffer to partisan politics originating in
23 both the legislative and executive branches of the
24 government.

25 In rejecting or ratifying the Governor's
26 appointment of Congressman Lungren, each member of this
27 Committee will be exercising the franchise of millions of
28 California voters, either supporting or opposing a candidate

1 whowho, by his own admission, intends to function in
2 the hard-line conservative mold of President Reagan and
3 Governor Duekmejian.

4 The question must, therefore, be raised: Is this
5 the individual whom the California electorate would
6 choose to guide and control the State's finance for the
7 balance of Jesse Unruh's term?

8 Congressman Lungren presents himself as a backer
9 of the Refugee Act of 1980. In point of fact, his support
10 was comprised of last-minute attempt to emasculate the
11 bill by addition of qualifying clauses and limitations
12 which greatly reduced both the impact and efficacy of the
13 subject programs.

14 His efforts in 1983 and 1985 to extend the Act
15 were more of the same: draining the vitality from much
16 needed reform in the name of compromise.

17 For instance, Mr. Lungren actually opposed
18 against the increase in Federal financial aid coming to
19 the State of California in order for the State to cope
20 with the increased influx of South East Asian refugees.

21 He also opposed an amendment to bar discrimination
22 on the basis of citizen rights (sic). And he also opposed
23 the allocation of funds to school district for
24 instruction to non-English speaking students.

25 This Committee is aware, as the general public
26 perhaps is not, that rhetoric appearing in the
27 Congressional Record is subject to ex post facto
28 modification by its author under the euphemism of amendment

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1 and correction. The actual voting, however, remains as
2 each Representative's untamperable record.

3 Highlights of Congressman Lungren's voting
4 record include:

5 Voted against the strengthening of enforcement
6 provisions of the Fair Housing laws, for the elimination
7 of bilingual ballots, against the Hate Crimes Statistics
8 Act, which would have provided much needed data regarding
9 violent violent acts against religious and ethnic
10 minorities. He vote for measures which which actually
11 decrease or eliminate funds to the Legal Service
12 Corporation, which provides legal representation to the
13 financially disadvantaged.

14 He also vote against the Civil Rights Act of 1984,
15 against the reparations for Americans of Japanese descent
16 interned during World War II. And he vote for the
17 Latta budget amendment, which would have eliminated the
18 Small Business Administration, along with two new
19 housing projects.

20 He also vote for a measure which would have included
21 senior citizens' Social Security cost-of-living adjustments
22 as income for the purpose of determining eligibility for
23 assistance.

24 And he also voted for an increase of Social
25 Security eligibility age from 65 to 67.

26 He also voted against an increase in funds to feed
27 the elderly under the Older Americans Act.

28 And he voted, again, against minimum Social Security

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1 benefits and against reauthorization of the sole
2 source of primary health care for rural senior citizens.

3 As you all know, he also voted against the
4 Equal Rights Amendment, against the Welfare Reform Act
5 of 1979, and for a 1984 measure which would have reduced aid to
6 education by \$756 million, a 44.5 percent cut in educational
7 programs.

8 He also voted against federal aid to States for
9 protection and advocacy programs for the mentally ill.
10 And he voted again against the Homeless Assistance Act,
11 against the restoration of previously cut Medicare
12 funding. And he vote for a measure which would halve
13 HUD's appropriation for new public housing construction.

14 And, finally, he also voted against funding for
15 the Consumer Protection Agency.

16 Certainly, the foregoing record supports
17 Congressman Lungren's self-proclaimed conservatism. But
18 does it constitute the resume the State of California
19 should be looking for from its prospective Treasurer?

20 The Vietnamese community -- in fact, all minority
21 communities -- are or should be vitally interested in the
22 outcome of these hearings. Hundreds of thousands of
23 individuals in those communities are to some extent
24 dependent upon various State programs, programs which
25 fall within the fiscal control of the State Treasurer;
26 welfare, housing assistance, health care, legal aid, 1111
27 bilingual ballots, aid for the elderly, the mentally ill,
28 the homeless, the hungry, programs necessary to the very

1 survival of many of our less-fortunate citizens, programs
2 which the State earns matching or supplemental Federal
3 funds, yet programs consistently and vehemently opposed
4 by Congressman Lungren.

5 We have no objection to the Congressman's
6 conservative position in Congress or in any open forum
7 intended for the give-and-take exchange of extreme ideas.
8 The Treasurer's Office, however, is not such a place.

9 It is, or should be, the intent and purpose of
10 this Committee to give California a Treasurer who will
11 fairly and equitably administer the public and
12 legislative policies of the State. Our honest concern is
13 that Congressman Lungren could not hold the Office of
14 Treasurer without it becoming a power base for the
15 implementation of hard line conservative policies.

16 Again, this is not an indictment of Congressman
17 Lungren, per se. We cannot, however, overemphasize our
18 belief that the Office of Treasurer is too important and
19 too powerful a position to be vested in any individual who
20 staunchly supports any position other than the consensus
21 of the majority of California's citizens as expressed by
22 the elective process, either directly or through their
23 elected representatives in the form of the Legislature and
24 this Committee.

25 Thank you for the opportunity to speak up today.
26 And I have a witness statement which I would like to
27 submit.

28 CHAIRMAN ROBERTI: Please submit the statement.

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1 Are there any questions of Mr. Nguyen?

2 SENATOR CRAVEN: Just one.

3 CHAIRMAN ROBERTI: Senator Craven.

4 SENATOR CRAVEN: Yes. How did you come to be
5 with us today?

6 MR. NGUYEN: Actually, I mean, I had a chance, I
7 mean, to talk with different organization, and especially
8 the Japanese American Bar Association. And I expressed
9 an interest. I mean, we got to speaking up at the
10 confirmation hearing of Mr. Lungren.

11 SENATOR CRAVEN: I see.

12 MR. NGUYEN: And so, that's why, I mean, I had
13 been invited, I mean, to become a witness, I mean, to
14 testify today.

15 SENATOR CRAVEN: So, in other words, you were
16 invited, if you will, or encouraged by the Japanese
17 American Bar Association.

18 MR. NGUYEN: Well, actually, I mean, our groups,
19 I mean, share the same concerns regarding the civil
20 rights issue and immigration issues, I mean, which, I mean,
21 actually is one of the issues that we are facing today
22 in this confirmation hearing.

23 So, we express an interest, and we decide, I
24 mean, that I would -- should represent the Vietnamese
25 American Bar Association, I mean, to come forward and
26 testify.

27 SENATOR CRAVEN: Very good. Well, we appreciate
28 you're being here. Thank you.

1 MR. NGUYEN: Thank you.

2 CHAIRMAN ROBERTI: Thank you, Mr. Nguyen,

3 I think, even though we're going to break for
4 lunch, we're going to break for five minutes so everyone
5 can stretch his or her legs. And then we will continue
6 till roughly around noon time.

7 (Thereupon a recess was taken.)

8 CHAIRMAN ROBERTI: We have a quorum. We'll go
9 roughly to a little after 12:00.

10 The next --

11 SENATOR CRAVEN: Bea Molina.

12 CHAIRMAN ROBERTI: -- witness I think before
13 Ms. Molina, Dr. Ferdinand Galvez has indicated he has to
14 leave. So, it would be all right to take him next, then
15 Ms. Molina.

16 Dr. Ferdinand Galvez, National Vice President
17 of the Asian Pacific American Coalition. Dr. Galvez,
18 you can start in about one minute. Let the people start
19 straggling in so you don't have to compete with opening
20 and closing doors.

21 SENATOR CRAVEN: Why don't you announce out in the
22 corridor that if they want to come in now, come in now,

23 CHAIRMAN ROBERTI: Yes, please.

24 Dr. Galvez.

25 DR. GALVEZ: Senator David Roberti, members of the
26 Senate Rules Committee. Allow me to introduce myself
27 as Dr. Ferdinand Galvez, a native Californian, second
28 generation American Filipino. I've had the privilege of

1 serving California as a public educator for over 33
2 years, 20 years of that as a secondary school principal
3 in Sacramento County.

4 The founder of Pagasa, the largest consortium of
5 Filipino organizations in Northern California -- I'm here
6 today as the national vice president of Asian Pacific
7 Coalition/USA to present a letter of transmittal from
8 our president, Allan L. Seid, M.D.

9 "Dear Senator Roberti and Members of
10 the Senate Rules Committee:

11 "Asian Pacific American Coalition/USA
12 is a California-based national association
13 of over 600 independent Asian Pacific
14 American endorsing and member organizations,
15 of which Pagasa is one of those member
16 organizations. Our purposes include
17 advocacy for and preservation of civil
18 rights and social justice for all
19 Americans with particular focus on those
20 Americans of Asian Pacific ancestry,

21 "Our national board of governors on
22 December 6th, 1987, mindful of the fact
23 that the California State Treasurer's duties
24 include participation on over 40 boards
25 and commissions that address issues and
26 adopt policies concerning housing,
27 environment, economic development, and the
28 quality of life of the diverse

1 and heterogeneous populations
2 collectively known as California --
3 voted unanimously to oppose the
4 confirmation of nominee Mr. Dan Lungren
5 as State Treasurer.

6 "Our opposition is based upon
7 Mr. Lungren's long-held attitudes, behaviors,
8 and most importantly his voting record,
9 which at its worse, may be characterized
10 as anti-civil rights, antiminority, and
11 antiwomen, anti-immigrant, anti-elderly,
12 and antipoor; and at its best, profoundly
13 insensitive and ignorant of needs and
14 plight of ethnics of color, females, frail
15 seniors, new Americans, and the poverty
16 stricken.

17 "For example, Mr. Lungren in 1980, voted
18 against the Fair Housing Act; that is,
19 HR 5200, which embodied key enforcement
20 provisions to strengthen federal fair
21 housing laws. That bill was one of the
22 most important pieces of civil rights
23 legislation of the period.

24 "Similarly, Mr. Lungren in 1981, sought
25 unsuccessfully to dilute the Voting Rights
26 Extension Act through an amendment process,

27 "Again in 1984 and in 1987, he supported
28 efforts to decrease or eliminate funds

1 for the Legal Service Corporation which
2 provides legal representation of the
3 poor.

4 "Finally, at a time when anti-Asian
5 bigotry and violence was rampaging
6 across our State and nation, a period
7 when ugly antisemitism and racial
8 conflict of the Howard Beach type are
9 prevalent, a decade where neo-Nazi and
10 white supremacist (sic) hate groups are
11 growing and boldly visible, Mr. Lungren
12 last fall opposed in the House Judiciary
13 Committee HR 3193, the Hate Crime
14 Statistic Act, a bill providing for the
15 documentation and the reporting of
16 religious, national origin, or racial-
17 based crimes. This measure is widely
18 supported as the first and most
19 effective hate crime deterrent step by
20 not only the diverse populations suffering
21 hate crimes, but by top law enforcement
22 officials and agencies such as our
23 Attorney General and the New York Police
24 Chief Commission and Department.
25 "Our organization believes that Mr.
26 Lungren does not possess the sensitivity
27 nor the competence to administer policies
28 fairly for the heterogeneous communities

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1 that comprise and enrich our great
2 State. We urge you to reject the
3 nomination of Mr. Lungren to the
4 position of State Treasurer.

5 "Sincerely, Allan L. Seid, M.D.," our national
6 president, Asian Pacific American Coalition/USA.

7 And I'd like to present at this time, Senator
8 Roberti --

9 CHAIRMAN ROBERTI: We will introduce that to
10 the record, and make sure --

11 DR. GALVEZ: Copies of the material.

12 CHAIRMAN ROBERTI: -- the Senators have that
13 along with the other items that have been introduced in
14 the record before the vote on the floor.

15 Will the Sergeant bring the material here.

16 Nancy, are you keeping all these items?

17 MS. MICHEL: Yes.

18 CHAIRMAN ROBERTI: Senator Petris for Dr. Galvez.

19 SENATOR PETRIS: Doctor, could you spell out the
20 name of that other organization of which you were the
21 founder?

22 DR. GALVEZ: Pagasa, P-a-g-a-s-a, means hope in our
23 language, which is --

24 SENATOR CRAVEN: Pagala (phonetic).

25 DR. GALVEZ: Pagala, you got it.

26 SENATOR CRAVEN: Mabuhi (phonetic).

27 DR. GALVEZ: Thank you.

28 SENATOR PETRIS: And what does it stand for?

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1 DR. GALVEZ: Hope.

2 SENATOR PETRIS: Oh, hope, I see.

3 DR. GALVEZ: You know, that's what we all have.

4 SENATOR PETRIS: I see.

5 DR. GALVEZ: There is still hope.

6 SENATOR CRAVEN: The only thing left, Nick, when
7 Pandora opened the box.

8 SENATOR PETRIS: Okay. Thank you.

9 DR. GALVEZ: Thank you.

10 CHAIRMAN ROBERTI: Thank you very much, Dr. Galvez.

11 The next witness is Ms. Bea Molina, the national
12 president of the Mexican American Political Association.

13 MS. MOLINA: Good morning. And thank you for
14 allowing me to testify today.

15 Rather than read my statement, I'd just like to
16 quickly overglance some of the issues that we have or
17 some of the concerns that we have.

18 The Mexican American Political Association urges
19 you not to endorse the appointment of Dan Lungren. We
20 are not questioning his ability, nor his skills, nor his
21 experience as a politician or as a Congressman. Clearly,
22 he has an excellent representation in terms of the visual
23 and the media. And I guess, particularly, he's an
24 excellent candidate in terms of what he stands for.

25 Our concern is that there seems to be a disregard
26 for the -- for representing in our mind appropriately
27 the total California population. And clearly, I'm not
28 here, except really to highlight the Hispanic population

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1 of California, which currently is six million Hispanics
2 in California.

3 We are concerned with his track record and his
4 voting public record in Congress, that he has voted
5 against every one of the issues that was critical to us.
6 And I'm going to highlight two particular issues of
7 great important to MAPA.

8 One of those issues was the Voting Rights Act.
9 When the Voting Rights Act came out -- and he did vote
10 at the end in support of the Voting Rights Act. He
11 introduced and submitted 22 amendments that, if those
12 22 amendments has passed, it would have significantly --
13 would have limited the voting rights of minorities
14 and special interest groups.

15 Obviously, one of MAPA's priorities is the ability
16 to vote and the ability to have appropriate representation.
17 That's what MAPA's about, is to mobilize the Hispanic
18 community in the area of politics.

19 Obviously, that goes in contrary to our beliefs.
20 The second issue that greatly disturbed us was his
21 posture on immigration. Clearly, right before the -- since
22 the Rodino bill was introduced in Congress, he was
23 introduced a modified version of the bracero program.
24 And I must say a far more conservative version of a
25 bracero program than what we had in California. And just
26 to put this in partisan terms, this was a -- a issue that
27 not even the growers or the employers supported, because
28 of the conservative nature of the bracero program.

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1 We are more concerned with what appears to be
2 his inability to have political independence. We are
3 determined that the person who holds this office must be
4 able to look at the issues of finances as the merit
5 of those issues calls for and not what the political
6 stance on those issues will be.

7 He must represent millions of Californians who
8 are of all sectors of life, who are of all ethnic, who are
9 of all socioeconomic status, and must have the ability
10 to make independent decisions that will better the
11 community as a whole and not a small percentage of the
12 community.

13 As I stand here before you represent MAPA, I also
14 know that my peer groups, LULAC, the United -- the League
15 of United Latin American Citizens, the American GI Forum,
16 American Mothers of War Veterans, the Hispanic Issues
17 Forum, Laraza Lawyers, Laraza Advocate Counselors in
18 Higher Education, California Coalition of Hispanic
19 Organizations, and Nacional Comision Femenil have already
20 stepped forward with also the same concerns.

21 We are concerned, again, that if he was able to
22 demonstrate the ability of making decisions that are
23 independent of the political affiliation, then we have a
24 different issue. But he has publicly and his whole
25 record supports the issue that his ability to make
26 decisions are very bipartisan (sic).

27 And that is the end of my presentation.

28 CHAIRMAN ROBERTI: Thank you, Ms. Molina.

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1 The next witness is Caroline Florez,
2 representative of the Comision Femenil Nacional.

3 MS. FLOREZ: Good day. I am Caroline Linda
4 Florez, and I am representing Comision Femenil Mexicana
5 Nacional.

6 We are a national organization. We have eight
7 chapters representing hundreds of professional Hispanic
8 females. I am also the first vice president here for the
9 Sacramento Comision Femenil chapter. We are a
10 nonpartisan organization and we take great care in not
11 participating in partisan politics.

12 At this time, though, we are greatly concerned.
13 We are in a -- we are involved in many activities that
14 focus the policy and focus a lot of our efforts in
15 networking and the economic development of both Hispanic
16 females and the Hispanic community and the future of
17 California.

18 Our efforts all streamline in the areas of
19 education and employment. We are concerned, based on
20 the voting record that has been extensively commented on --
21 on voting rights, on Lungren's opposing -- voting against
22 the bilingual education, on voting against legislation
23 that would be specifically helping the children. We are
24 not sure that he would be able to take independent
25 action and be able to decide on the merit value of each
26 fiscal issue,

27 We are really concerned with such a complex and
28 such a very important and valuable position that the

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1 Treasurer does not, that we do not feel totally
2 comfortable or totally trusting that there will not be the
3 same political platform that will be the decisions that
4 will be deciding the future.

5 Our raza community is a major ethnic group in
6 California. In some studies, we're already cited as
7 26 percent plus of the population. We absolutely must
8 have someone in this position that is going to do an
9 equal job of allocations, apportionments, of being able to
10 make fiscal decisions that are going to help all the
11 constituents of California.

12 I feel that we absolutely must really screen
13 someone, and we need someone who has many years of
14 experience. There's 22 Commissions. A lot of them
15 directly impact the Hispanic agenda of Comision Femenil
16 Mexicana Nacional. We are really worried about this
17 nomination.

18 We ask Senator Roberti to do everything that he
19 can to make it possible that the person that is
20 nominated in this position be extensively experienced,
21 have demonstrated background in being equitable in their
22 decisions, and perhaps decisions directly impact the
23 ethnic minority community. And we ask that there be
24 really consideration and rethinking this nomination of
25 Lungren for this position.

26 We feel that this is not really something that
27 Comision, as a national organization, can support, nor
28 the Sacramento chapter. And we usually do not get

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1 involved. We are very nonpartisan. But this is
2 something that directly affects the largest cohort in
3 the California population, the 0 to 15 year old Hispanics
4 and the largest -- and also the Hispanic female population.

5 We are no longer comfortable with allowing others
6 to make the decisions for us. We want to scrutinize. We
7 want to give you input. We want you to listen. And we
8 want to tell you, hey, take another look. We want
9 someone that is going to be able, that can demonstrate a
10 background and a history that has supported some of the
11 Hispanic agendas, Hispanic needs, bilingual education,
12 voting rights for all.

13 We presently are concerned with the Watsonville
14 case, and hopefully that will enable more access for the
15 Hispanics in voting, giving direct input, you know, to
16 here, the State Legislature.

17 So, I really urge you that we oppose the Lungren
18 nomination. And thank you for your time.

19 CHAIRMAN ROBERTI: Thank you very much, Ms. Florez.
20 Are there any questions? There being none, thank you.

21 The next witness is Ismael Castro, President of
22 La Raza Lawyers Association.

23 MR. CASTRO: Thank you, Mr. Chairman and
24 distinguished members of the Committee.

25 I'm here to speak on behalf of the La Raza Lawyers
26 Association of Sacramento. We are an organization of
27 Hispanic attorneys in the Sacramento area. Our members
28 essentially consist of attorneys who work in State

1 Government, in County Government, and City Government as
2 well.

3 Our members also consist of attorneys who work
4 in private practice, most of which work directly with the
5 Hispanic community in the Sacramento area.

6 Our organization has taken an overwhelming
7 stance against the nomination of Mr. Lungren as State
8 Treasurer.

9 Mr. Lungren's voting record has been extensively
10 reviewed, and I don't intend to go through it again in
11 this -- in my presentation.

12 It is our view, as Hispanic attorneys in the
13 Sacramento area, that the Legislature plays a coequal
14 part -- partnership, if you will, with the Governor in
15 choosing a qualified and representative candidate for
16 State Treasurer. In that part, that coequal part, in
17 choosing a viable candidate, is also a coequal
18 responsibility to prevent the appointment of a candidate
19 which does not present an extreme political view (sic),
20 a view which does not represent the views of the Hispanic
21 community either in Sacramento or statewide.

22 It is also the responsibility to fulfill the
23 expectation of the voters who elected Jesse Unruh by
24 overwhelming majority as State Treasurer. It is our
25 position, as Hispanic attorneys, that the appointment of
26 Mr. Lungren would not be representative of the Hispanic
27 community and the interests that we represent.

28 Although Mr. Lungren, as expressed earlier,

1 certainly he is entitled to express his political
2 views, it is the opinion of our organization that
3 Mr. Lungren does not present the qualifications as a
4 candidate for State Treasurer.

5 As noted earlier, the position of State Treasurer
6 is of extreme importance. It's a position that has
7 considerable weight in State Government, and it should
8 not be fulfilled -- filled by an individual who has such
9 extreme political views.

10 Because of Mr. Lungren's voting record -- as I
11 noted earlier, he does not represent the views of
12 minority groups, and that is representative by the number
13 of minority organizations who have expressed their
14 opposition to Mr. Lungren's nomination as State Treasurer.

15 Thank you very much.

16 CHAIRMAN ROBERTI: Thank you very much, Mr. Castro.
17 Any questions?

18 The next witness is Herb Cawthorne, President and
19 Chief Executive Officer of the Urban League, San Diego.
20 He is not here.

21 The next witness is Reverend Lawson, President of
22 the Southern Christian Leadership Conference. Reverend
23 Lawson, are you in the audience? He is not here.

24 The next witness is Jack Harris, Monterey?

25 SENATOR MELLO: Mr. Chairman, I thought they
26 might come up after lunch and --

27 CHAIRMAN ROBERTI: I want to see if they're here.

28 SENATOR MELLO: They might be out in --

1 CHAIRMAN ROBERTI: Because we'll take them now.

2 SENATOR MELLO: Well, they are here.

3 CHAIRMAN ROBERTI: They are here?

4 SENATOR MELLO: They are here, but in going over
5 the agenda, they asked me when they thought they might
6 speak, because they did not have a copy.

7 CONGRESSMAN LUNGREN: Mr. Chairman, may I ask
8 a question?

9 CHAIRMAN ROBERTI: Yes.

10 CONGRESSMAN LUNGREN: I was told by staff last
11 week at the final meeting that I had an option as to when
12 I could have my witnesses. I was told that my witnesses
13 would go on at 1:30 today. That if, in fact, other
14 witnesses were not finished, that they would be put
15 to the end. And I assume that that representation to me
16 is going to be kept.

17 CHAIRMAN ROBERTI: Right. We'll follow that.
18 For a number of reasons, we didn't get started on time.
19 So, I would say between 1:30 and 2:00 we will take your
20 witnesses.

21 CONGRESSMAN LUNGREN: Thank you, Mr. Chairman.

22 CHAIRMAN ROBERTI: The next witness -- I want to
23 see who is here, because --

24 CONGRESSMAN LUNGREN: Mr. Chairman, might I make
25 another inquiry?

26 CHAIRMAN ROBERTI: Yes, please.

27 CONGRESSMAN LUNGREN: Mr. Chairman, earlier,
28 someone suggested that we might go over till tomorrow.

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1 I know of at least, I think, two members of the
2 Committee who cannot be here. I cannot be here. I'm
3 willing to be here as long tonight -- I've been informed
4 by my staff in Washington that the Civil Rights
5 Restoration Act with the abortion neutral amendment is to
6 be on the floor of the House of Representatives on Monday.

7 As you can well imagine, I want to make sure that
8 I'm there so that I can be counted in my vote for it, since
9 finally they've made the change that some of us have been
10 fighting for for so many years. The problem is we are not
11 sure, with respect to the schedule, as to whether if it's
12 considered on Monday, the actual vote would be put over to
13 Tuesday.

14 So, I can't tell you if you were to call me back
15 next week, whether I could be here Monday or Tuesday. So,
16 I'm willing to go all day today and through the evening.

17 CHAIRMAN ROBERTI: I think we can accommodate
18 everybody and not be here too painfully long.

19 CONGRESSMAN LUNGREN: Thank you, Mr. Chairman.

20 CHAIRMAN ROBERTI: Let me just go through the
21 rest of the witnesses and see if any of them are here.

22 Katie Sorenson of California Women Lawyers, the
23 Executive Director? Yes, Miss Sorenson, will you please
24 come forward.

25 MS. SORENSON: Good afternoon, Senator Roberti,
26 members of the Senate Rules Committee, and interested
27 observers.

28 My name is Katie Soreonson, and I'm the

1 Executive Director of California Women Lawyers, an
2 organization that serves as a network and an umbrella
3 for women's Bar associations across the State.

4 Through our affiliates, I represent almost 19,000
5 women lawyers, students, judges, and law school professors.
6 Now, let me tell you what we are not.

7 We are not affiliated with or beholden to the
8 Democratic Party or any of its members. We are not the
9 ladies auxiliary of the State Bar. And we are not a lynch
10 mob.

11 We are professional women concerned with advancing
12 the position of women in the legal profession and in
13 society, and advocating for the woman who, without us,
14 would have no voice: displaced homemaker, the single
15 mother trying to support her children on minimum wage, or
16 even on women's wages, the pregnant and frightened
17 teenager, the woman trying to find decent housing for her
18 family, and women everywhere who seek equality under
19 the law.

20 We believe this whole discussion of whether or not
21 Mr. Lungren, if appointed Treasurer, who would have a
22 launching pad to higher office and who he might throw the
23 State's business to is perfectly relevant to whether or
24 not he should be confirmed, at least it is from our point
25 of view.

26 Because, frankly, we are sick and tired of
27 politicians who use their power to keep women out of the
28 system, either purposely or inadvertently. It doesn't

1 matter, because the effect is the same.

2 So, here we have a nominee, a bright, young
3 good-looking guy with lots of media potential and party
4 loyalty and a job whose job description has grown
5 considerably, thanks to its predecessor. And to us, that
6 spells a recipe for disaster. Let's look at his record
7 and the underlying beliefs that record suggests.

8 Here is a man who believes that women can't and
9 should not be able to make choices about their own bodies.
10 He not only opposes abortion, but he also doesn't believe
11 that women should have the relevant information to
12 prevent pregnancy should they so desire.

13 And when unwanted or unplanned for children are on
14 the way or arrive on the scene, he, as Congressman, has
15 opposed major child nutrition programs, prenatal programs,
16 and school lunches. The idea, one supposes, is that
17 everyone has a right to be born; they just don't have a
18 right to eat.

19 Mr. Lungren has also opposed bills related to
20 low-income housing, Head Start, and pay equity. He also
21 voted against the Equal Rights Amendment and against
22 sanctions against the Republic of South Africa for its
23 apartheid policies.

24 Does this sound like a man who, through the Office
25 of Treasurer, will aggressively seek opportunities to
26 include women and minorities through affirmative action
27 policies related to financial investments and firms? We
28 think not.

1 We believe this man is not only insensitive,
2 he is an anachronism. We hope you will vote against his
3 confirmation and urge the Governor to find someone -- how
4 about a woman for a change -- who is more in tune with
5 mainstream society.

6 Thank you.

7 CHAIRMAN ROBERTI: Thank you, Ms. Sorenson.

8 Are there any questions of Ms. Sorenson? We
9 appreciate your testimony.

10 MS. SORENSON: Thank you.

11 CHAIRMAN ROBERTI: Mr. Henning I do not believe
12 will testify. Mr. Carter I do not believe will testify.
13 Mr. Evans will testify this afternoon. Dr. Galvez has
14 testified. Mr. Obledo, who was not here this morning,
15 will testify this afternoon.

16 We will now recess until 1:40.

17 (Thereupon the noon recess was taken.)

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AFTERNOON SESSION

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CHAIRMAN ROBERTI: The Committee will come to order. We will proceed with the proponency witnesses.

There are a few opponent witnesses still to testify, and we will take them up at the conclusion of Congressman Lungren's presentation of his witnesses. I understand the first witness will be Mr. Russ Williams representing Agricultural Producers.

MR. WILLIAMS: Thank you, Mr. Chairman.

My name is Russell Williams. I am President of Agricultural Producers, a trade association of the citrus and avocado industries of California and Arizona.

Before I get into the text of my testimony, I want to express my appreciation to the courtesy of the Committee. As you know, I flew in from Texas specifically to be here today. I say that not only again express my appreciation to your accommodating my schedule, but also indicate my respect for the gentleman that sits here at the table. And I have to return in little over an hour.

CHAIRMAN ROBERTI: Very happy to have you with us.

MR. WILLIAMS: Thank you.

I speak today in support of the appointment of Congressman Lungren to the Office of California State Treasurer. My comments are based principally on the eight years of a professional working relationship with the Congressman during the development, debate, and ultimate enactment of the Immigration Reform and Control Act.

1 As background, the three principal divisions of
2 what we refer to as IRCA are employer sanctions, the
3 imposition of sanctions on employers who knowingly now
4 employ undocumented or illegal aliens. The Act
5 established the sanctions on employers who discriminate
6 in their hiring practices of the newly legalized aliens.

7 And the third major provision is the provision
8 for the legalization of undocumented aliens. Mr. Lungren,
9 as I'm sure you appreciate, as the ranking member of the
10 House Immigration Subcommittee during most of the debate
11 on the bill, was recognized by all of us involved
12 representing the various advocacy interests, as pivotal
13 in bringing about the passage of the landmark legislation.

14 As it turned out, our assessment of the important
15 role Mr. Lungren could and would play was, if anything,
16 underestimated. As a representative of a California-
17 based organization, I was assigned the responsibility
18 of seeking out and working with Congressman Lungren, a key
19 member of the Committee.

20 I was pleased that he was willing to listen
21 objectively to my concerns, despite nearly a complete
22 absence of any agricultural constituency in his district.
23 And while we in agriculture didn't always agree with the
24 Congressman, nor he with us, his role as an honest
25 mediator was eventually essential to the compromise
26 reached.

27 It is clear to me that the Congressman's support
28 for the legislation and, in particular, his early support

1 for the legalization provisions made a big difference.
2 Despite the controversial nature of this legislation,
3 both within his party and within his district, he
4 demonstrated his willingness again, and again, and again
5 to look beyond his immediate self-interest, and perhaps
6 even beyond personal reservations, to the picture and the
7 common good.

8 It is this characteristic and ability and a
9 willingness to put aside self-interest and personal
10 philosophy -- in effect, to be open-minded -- to act as an
11 honest broker in an effort to seek compromise that brought
12 me here today.

13 In my opinion, Congressman Lungren possesses
14 the character and the intellect to serve California and
15 its people well. Any occupation, whether it's as a member
16 of a State Legislature or the president of a trade
17 association or as a State Treasurer, is one that can be
18 learned through education and through experience. However,
19 what cannot be taught is the depths of one's character:
20 honesty and integrity. You do have it or you don't.
21 He does. And that's why I'm here today supporting him for
22 State Treasurer.

23 Mr. Chairman, that completes my statement. I
24 would be pleased to respond to any questions you might
25 have.

26 Thank you.

27 CHAIRMAN ROBERTI: Thank you very much, Mr. Williams.
28 Senator Mello.

1 SENATOR MELLO: I've received some letters also
2 in support of Mr. Lungren's nomination as State Treasurer.
3 And you're here representing agriculture. And it appears
4 from some of the information I have, like from the
5 National Farmers Union, his voting record is about seven
6 percent in favor of legislation that they've been
7 supporting.

8 I don't want to take the time to read all of
9 these, but there's about 15 votes here -- Farm Rural
10 Development, Federal Crop Insurance, Agricultural
11 Appropriation, 1980, and Farm Credit Limits. There's a
12 whole series of votes where he voted no against the
13 interests of agriculture. And I'm just wondering on what
14 basis do you see -- based on his voting record for
15 agriculture -- that he would be a Treasurer that would
16 be supportive of agriculture here in California?

17 MR. WILLIAMS: Well, Senator, as you know, I think
18 it would be presumptuous of me to attempt to defend the
19 Congressman's record. I think that's up to him to discuss
20 with you.

21 I think anyone's who's been involved in legislation
22 recognizes that any piece of legislation -- whether it be
23 agriculture, whether it be labor, whether it be
24 immigration -- name it -- water -- has a lot of facets
25 to it. Why one might vote on a particular piece of
26 legislation one way or another isn't necessarily indicative
27 of what his attitude is and what his support may or may
28 not be.

1 As I said earlier on, I'm here because of my
2 work with him and my judgment of the man. I can't speak
3 for others in agriculture.

4 SENATOR MELLO: But I think, based on this
5 information, it's just not an isolated vote here and there.
6 Based on these bills, it appears that he has voted against
7 agriculture 80 or 90 percent of the time. Based on --

8 MR. WILLIAMS: Well --

9 SENATOR MELLO: -- agriculture's own interest --

10 MR. WILLIAMS: Well, I think if you look at --
11 you're looking at one organization, the National Farm
12 Workers Union. It --

13 CHAIRMAN ROBERTI: The National Farmers Union.

14 MR. WILLIAMS: National Farmers Union. Yes, I'm
15 sorry.

16 They represent a particular philosophy and have
17 a particular interest. Others in agriculture, other
18 organizations in agriculture, including the one that I
19 represent, and other national organizations -- as a
20 matter of fact, that's what I left. It was a meeting of
21 a national organization that I chair -- feel differently.

22 So, you know, you can -- it's like anything else.

23 SENATOR MELLO: To just pick out a few, here's
24 Farm Credit Limits that extended economic emergency loan
25 programs. As you know, there's millions of farmers that
26 are going out of business and a lot of them have gone
27 bankrupt.

28 Here's another one here. Dairy Production

1 stabilization, the dairy people have been in trouble.
2 The vote there was 348 to 71, with Lungren no. I didn't
3 want to take the time to go over all of these votes. But
4 it just appears from the research we've done, his record
5 pretty much is opposed to the areas that agriculture itself
6 is in support of.

7 MR. WILLIAMS: Well, I guess that's not the way I
8 see it. I see that --

9 SENATOR MELLO: Thank you.

10 CHAIRMAN ROBERTI: Senator Craven.

11 SENATOR CRAVEN: You know, I hate to admit this,
12 having served on the Agriculture and Water Committee
13 here for many, many years, along with Senator Mello, who
14 just questioned you. But I've never heard of that
15 outfit.

16 MR. WILLIAMS: The one that I work for?

17 SENATOR CRAVEN: No. The one you work for is
18 familiar to me.

19 But the one that Senator Mello just referenced,
20 the Farmers Union (sic). How big of an outfit could that be?
21 How typical of the industry as a whole, is the Farmers
22 Union?

23 MR. WILLIAMS: I want to be careful that I don't
24 say anything --

25 SENATOR CRAVEN: Well, maybe that's asking you to --

26 MR. WILLIAMS: Yeah. I would say that it is not
27 a large organization representing a huge constituency.

28 CHAIRMAN ROBERTI: I remember when I was in

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1 high school, a national debate question was shall we
2 maintain price parities? And the National Farmers Union
3 was the great source of quotes for "yes."

4 How big they are, I don't know, but they've been
5 around a long time.

6 SENATOR CRAVEN: Well, we know they at least play
7 an important part in the debate process. Beyond that,
8 there's some question --

9 MR. WILLIAMS: Yes.

10 SENATOR CRAVEN: -- in my mind.

11 MR. WILLIAMS: In mine also.

12 SENATOR MELLO: Let me point out that the --
13 I quoted two different items here, National Farmers Union,
14 there was 25 bills that came out with their seven percent
15 rating overall. But the ones I was looking were 16 bills
16 taken not from National Farmers Union, but from just
17 votes on and against agriculture from the Congressional
18 Record.

19 So these have no relationship to --

20 SENATOR CRAVEN: The only thing I think of there,
21 Senator, is the fact that they could extract from our
22 records -- and you're an agriculturist by training and
23 occupation and lineage I suppose. I am not. Very little
24 agriculture in West Philadelphia.

25 But I think that we could be accused of voting
26 against agriculture on a few occasions, don't you?

27 SENATOR MELLO: Well, we'd have to go back and
28 check both of our records.

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1 SENATOR CRAVEN: Well, I could say that without
2 even checking my records, and I would presume that you
3 would probably fall within the same category.

4 In other words, you have different views. You may
5 support George Sorenson, the avocado growers; then again,
6 you may not. See? But I don't think that that's
7 indicative of the fact that you're against agriculture.

8 MR. WILLIAMS: Just with your indulgence, Senator.
9 The Congressman's been good enough to give me something
10 here. This is the rating of the Congressman by the
11 American Farm Bureau Federation, which I think we
12 recognize as the largest agricultural organization in the
13 country.

14 And I'll be happy to provide this to the
15 Committee. But it's average rating is 81 percent for --
16 the Congressman voted correctly.

17 CHAIRMAN ROBERTI: Which organization was that
18 one so we have it on the record? I didn't quite hear.

19 MR. WILLIAMS: Pardon me?

20 CHAIRMAN ROBERTI: Which organization was that?

21 MR. WILLIAMS: The American Farm Bureau
22 Federation. It's the largest agricultural organization in
23 the country.

24 SENATOR CRAVEN: Thank you, sir.

25 MR. WILLIAMS: Any other questions: If not,
26 thank you, Mr. Chairman.

27 CHAIRMAN ROBERTI: Thank you very much,
28 Mr. Williams.

1 The next witness is our former colleague and
2 now United States Congressman Jerry Lewis.

3 SENATOR CRAVEN: The real Jerry Lewis, my old
4 seatmate.

5 CONGRESSMAN LEWIS: Mr. Chairman and my colleagues.
6 Nick, I didn't see you earlier. Nice to see you again.

7 SENATOR PETRIS: Good to see you. Welcome.

8 CONGRESSMAN LEWIS: David, if I can be that
9 informal --

10 CHAIRMAN ROBERTI: Please do. That's how we know
11 each other.

12 CONGRESSMAN LEWIS: -- it's with no small
13 feeling of nostalgia that I come to this meeting, and with
14 some mixed emotions, because I made a decision some years
15 ago to give up my opportunity and responsibility here and
16 go East. And frankly, one can question one's relative
17 intellect by making such a decision. I hope it doesn't
18 weigh too heavily on the testimony I have to give regarding
19 my colleague Dan Lungren.

20 But having said that, it seems to me that there
21 are some fundamental differences between my experience
22 here and the way we do business and the way we handle our
23 business in Washington that would help clarify some of the
24 questions that may be raised regarding ratings groups
25 that look at the Congress, et cetera.

26 One of the more satisfying parts of serving in
27 the California Legislature is the fact that a person who
28 comes here, whether he's a Democrat or a Republican, can

1 focus on areas of specialty and indeed where areas
2 affect their district or their committee, introduce any
3 number of relatively narrow and directed pieces of
4 legislation by which they affect and develop public policy.

5 I remember carrying some years ago on behalf
6 of the California Highway Patrol a bill dealing with two-
7 way left-hand turn lanes. And I couldn't understand the
8 bill. It was focused on that kind of detail. And finally,
9 I had them come in and draw a chart for me, and the
10 language in the bill that they had drafted for us was
11 wrong, and we were creating some other animal.

12 In Washington, legislation does not flow that
13 way. Instead of one single subject area, you may have
14 300 subject areas in a specific bill. And when that
15 package -- let's say that David Roberti, as a new member,
16 gets a good idea and the subcommittee likes it, dealing
17 with small business, the subcommittee steals that
18 individual item and idea, and your bill here goes into
19 a huge package.

20 And eventually, when it gets to the floor, you
21 may or may not like the whole package. And then when
22 legislation flows to the floor, it's incredible how
23 simplistically partisan we become in terms of floor
24 rhetoric. And individual special interest groups focus
25 upon voting records to meet their convenience. And it
26 doesn't mean a thing in terms of a person's real service
27 and real impact upon the process.

28 And it's important for us, as legislators who care

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1 about the process, to think about that just a little
2 bit.

3 Indeed, in Washington, the real work that you get
4 done is done in your committee. Your votes on the floor,
5 in terms of effective rating, are difficult to measure.
6 I was a moderate to liberal Republican when I was in the
7 Legislature. Carried preschool education legislation
8 when that was still considered to be subversive front
9 organization for the American family in the early 1970s.

10 I carried the air quality legislation, and some
11 people thought that was regional government then. My
12 voting record in the Congress of the United States is
13 every bit as conservative as Dan Lungren's. And David
14 Roberti, you know I'm not a right wing kook.

15 (Laughter.)

16 CHAIRMAN ROBERTI: That's right.

17 CONGRESSMAN LEWIS: You've got to measure this in
18 terms of the way it really is. The one thing that I do
19 know that we all share in common is we care about this
20 process and the kind of people who make a difference.

21 Dan Lungren is far from simplistic in his approach
22 to public affairs. He is the very kind of person that we
23 want in the business of government. At the committee
24 level, if any one of you had a personal conversation with
25 the key Democrats in the Judiciary Committee, they would
26 without any reservation say there's not a better member
27 in terms of taking a tough subject area, doing his homework,
28 and then carrying through in the process of compromise

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1 that is necessary to the business of government.

2 I frankly do not hold a candle to Dan's
3 effectiveness in terms of his committee work. He's made
4 a difference in very tough subject areas. I can take that
5 immigration bill and the huge package that was a part of
6 it and pick out pieces of it and, you know, find all kinds
7 of reasons to vote no or object or to criticize. But
8 Dan Lungren is in the middle of attempting to make a
9 difference. And he does effectively do so. When he comes,
10 assuming you give your approval -- when he comes to
11 Sacramento, he's going to do his homework and provide the
12 kind of effective leadership in that statewide office that
13 all of us will be proud of, Democrat or Republican.

14 It happens that Governor Duekmejian is a
15 Republican at this point in time. I would bet you
16 dollars to doughnuts that if Jesse Unruh were making the
17 decision and looking at a Dan Lungren, he'd say, "That's
18 the kind of guy I want in public affairs."

19 The real tribute to Jesse Unruh is that when he
20 served as Speaker of the House, he knew that we needed to
21 professionalize the process. Indeed, he helped us bring
22 in some of the staff that allowed us to do our own
23 homework. He wanted to see the process go forward. And
24 he was looking for people -- Republicans and Democrats --
25 who were not kneejerk. And by that measure, this candidate
26 is among the finest that we could present to you.

27 And I'd suggest to you that anybody who would want
28 to call Dan Lungren racist -- either that person has not

1 looked at his background, his moral character,
2 the kind of human being he is. Having watched him in the
3 gym in Washington with the mix that makes up that place,
4 the last thing this fellow is is a racist. So someone
5 it attempting to make an issue out of nothing. And I
6 would really urge you to go and talk to the people that
7 you actually know at the committee level and see what they
8 have to say about Dan.

9 Because it does not serve the process well to have
10 us tear down the credit -- the character of somebody of
11 this quality. Dan and I have not voted together on all
12 issues. Indeed, he does allow me to disagree with him
13 once in a while. I remember that happening here in the
14 California Legislature. It doesn't happen much in
15 Congress.

16 And the last thing that you ought to do is pull
17 out some simplistic organization and read their rating
18 and suggest it means much. It just doesn't mean much.
19 Probably -- Henry, if you'll allow me, that Farmers
20 Union organization has me worse off than Dan, and I've
21 got a huge agricultural district. Those dairy people are
22 my district. You know?

23 And so what you do is have an organization that
24 selects 17 issues, one of which has to do with
25 agriculture, and the rest had to do with some social
26 program in the Midwest, and apply that to California's
27 problems? It just doesn't mean very much as you carry out
28 this very weighty responsibility of trying to measure this

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1 fellow's character.

2 He does his homework. He's fair. He cares
3 about solving problems. Sometimes when I have problems
4 with him, he doesn't care enough about partisan politics.

5 With that, gentlemen, I would be glad to try to
6 respond to questions. I appreciate both your patience
7 and your willingness to allow me to be here.

8 CHAIRMAN ROBERTI: Thank you, Jerry. Senator
9 Ellis.

10 SENATOR ELLIS: Congressman, are you saying that
11 back there the procedure for processing bills is
12 different than ours where we look at germaneness and do not
13 cross codes and things of that sort?

14 CONGRESSMAN LEWIS: Well, let's take the
15 agricultural appropriations vote that is measured. I'm not
16 sure exactly which one it is. But typically, what's
17 happened -- I early on served on the subcommittee on
18 agricultural appropriations. Jamie Whitten, the Chairman
19 of the full committee, waited 40 years before he became
20 Chairman of the full committee. He maintained for himself
21 the subcommittee chairmanship. He has that bill to sleep
22 before the subcommittee ever meets every year. You know,
23 so what's in it, some of which is very important to some
24 of us in California, some of it is not. Then eventually,
25 when it gets to the floor, it ends up being folded into
26 a huge package that may involve nine appropriations bills.

27 And if you don't like that process or that whole
28 package, you may vote no. And somebody says, "Hey, you're

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1 against agriculture. That's just not the case.

2 SENATOR ELLIS: But would it be folded into a
3 package where you might have transportation --

4 CONGRESSMAN LEWIS: You might have transportation.

5 SENATOR ELLIS: -- health --

6 CONGRESSMAN LEWIS: You might have health.

7 SENATOR ELLIS: Diversified type things where --
8 here, you know, we have to stick to the code.

9 CONGRESSMAN LEWIS: That's correct, Senator.

10 SENATOR ELLIS: So, you could have, as you say, you
11 could have nine different subject areas bunched together
12 in one appropriation bill, and if you had two of them
13 that were vital to your district and seven that were
14 anti to your district, you would have to make a choice
15 probably to go against the bill; therefore, voting
16 against those two items that you really liked. But those
17 who keep score cards, of course, would only look at those
18 two, not the other.

19 CONGRESSMAN LEWIS: That's exactly -- exactly
20 the problem. And in that process, Jerry Lewis ends up
21 being marked as being against air quality efforts or
22 against child care for goodness' sakes. The last big
23 package we had on the floor involved I believe nine out of
24 our 13 appropriations bills and involved something like
25 \$550 billion. It came back from the conference committee.
26 We had 20 minutes to debate on one side of the aisle, 20
27 minutes of debate on the other side, and no opportunity
28 for amendment.

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1 And, you know, I've seen my Chairman David
2 Roberti react on those circumstances. Someone's trying
3 to stuff something down your throat, you say, "See you
4 later, friend."

5 And that kind of judgment of people of quality is
6 not fair to the process of public affairs.

7 SENATOR ELLIS: I'm surprised you like it back
8 there.

9 (Laughter.)

10 CONGRESSMAN LEWIS: I've come that close, you
11 know, you give me an opportunity for this slot, I might
12 not be there now. I can tell you.

13 Anyway, it's a pleasure to be with you. And I know
14 men of good will will do the right thing.

15 Thank you.

16 SENATOR PETRIS: May I ask a question?

17 CHAIRMAN ROBERTI: Senator Petris.

18 SENATOR PETRIS: First of all, it's great to see
19 you.

20 CONGRESSMAN LEWIS: Thank you.

21 SENATOR PETRIS: I don't know. You expressed some
22 unhappiness with things back there compared to here. But
23 if looks are any judge, you just love it back there.

24 And it's good to see you. I do need to ask you
25 a couple of things. You belong to the Conservative
26 Opportunity Society?

27 CONGRESSMAN LEWIS: I have belonged and not belonged.
28 Frankly, I would say that technically I'm a member, but

1 I've got enough meetings that I've stopped going to
2 those meetings. My staff goes instead.

3 SENATOR PETRIS: For whatever reason, you're not an
4 active person that goes to all their meetings.

5 CONGRESSMAN LEWIS: I think the real reason that
6 I'm not really active is because they opposed me in my
7 last leadership race. And in spite of that, Dan Lungren
8 supported me.

9 SENATOR PETRIS: So he's a minority again, huh?

10 CONGRESSMAN LUNGREN: No, he won.

11 (Laughter.)

12 CONGRESSMAN LEWIS: Yeah, I won as a matter of
13 fact. I won by six votes, so he was more than a minority
14 I've got to tell you.

15 SENATOR PETRIS: Welcome to the majority.

16 You know, I think you were very helpful in
17 describing the differences in style and approach and
18 procedure and so forth between the two places.

19 We can't help but being impressed by the number
20 of people who draw -- who have come in here to testify
21 about some unhappiness, who draw a lot of their
22 information from the people who work fulltime in
23 Washington doing the same thing that the local people do
24 here.

25 A lot of the stuff that I have seen -- various
26 sources, newspaper accounts, Congressional Record extracts,
27 and so forth are based on the Congressional Record itself.
28 Now, that doesn't explain the problem of the multiple

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1 300 subjects in one bill which we, of course, don't
2 don't permit.

3 CONGRESSMAN LEWIS: Right.

4 SENATOR PETRIS: So, it leaves a question --
5 Mr. Lungren, in his opening statement, invited us to
6 look at the record. And that's the way it comes to us.
7 And you know how it is here. Sometimes if you walked
8 into a room and there's a big fight going on -- I don't
9 mean a physical battle -- but debate. There they're about
10 to close on an issue, and you hadn't had the opportunity
11 to hear the debate. And you look around the room. And
12 you see where your philosophical allies are, whether they're
13 personal friends or not, and you see arrayed against him
14 people with whom you normally don't vote, because your
15 beliefs aren't the same.

16 So, if you have to go to a vote, you're going to
17 vote with people that you normally agree with on most of
18 the issues. And that's the way it lines up here. You
19 know, we look at all these conflicting reports, then we
20 say, well, we know that so and so is very active in this
21 field -- whether it's children, the elderly, the homeless,
22 housing -- what it is, we know people in each of those
23 categories and what they're doing elsewhere.

24 So, we kind of have to rely on them. Now, they
25 say, well, the people who support us went this way, and
26 those who oppose us not only on this bill, but
27 traditionally on most of our stuff, went the other way.
28 And that's where this person finds himself. I don't know

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1 what more we can do to get an impression of what his
2 philosophy is and how he perceives the problems of our
3 society, and how he would act on them with respect to
4 his duties as Treasurer. Do you see what I mean?

5 CONGRESSMAN LEWIS: Yes. I think you're raising
6 a very important question and I'd be happy to try to
7 respond. It seems to me that in Washington, in that
8 scene that I've described, maybe I disagree with my
9 friend Dan Lungren relative to how I would urge you to
10 judge that record. Because in my own view, the votes
11 that tend to really count are the ones where your vote
12 makes a difference.

13 SENATOR PETRIS: In the committee.

14 CONGRESSMAN LEWIS: I'm talking about even on the
15 floor. But in the committee, certainly. But on the floor,
16 because it's such a partisan place and you have all this
17 stuff stuffed together, very often you find people who are
18 really concerned about making a statement relative to the
19 impact of our propensity to continue to spend and pay
20 lip service to doing something about balancing our budget,
21 and relate that in turn to the huge impact of this
22 deficit upon our general economy and the real threat of
23 that to the homeless and the poor and people who are
24 trying to make it in our society: You often make a
25 statement. So, when a vote is 310 to 80, it almost
26 doesn't count. You often vote to make the statement about
27 the general economy.

28 There are individual votes that are highlighted

1 enough by their being separated out, that it makes --
2 it helps make a difference in terms of your effort to
3 judge. The Martin Luther King holiday is an illustration
4 of that.

5 Dan played a role in that, made a difference in
6 that. It wasn't necessarily something that all the people
7 in Long Beach wanted him involved in. But it's a
8 reflection of the real world in terms of where he comes
9 from.

10 And then if you shift gears and look at the work
11 in the committee, that Judiciary Committee. This is a guy,
12 Senator Petris, who, if you two worked together in the
13 criminal justice system here, you would have disagreements,
14 but you'd have that classic give and take that I've seen
15 you involve yourself in here. I came not because the
16 record, per se, the general record helps you very much.

17 But I've had a chance to watch it first hand
18 and interpret the way this guy operates, and I think some
19 of you know me a little bit.

20 SENATOR PETRIS: Well, I think it's helpful to
21 us to have it from the inside so to speak. And I
22 appreciate your coming in. Besides, it's good to see you.

23 CONGRESSMAN LEWIS: It's good to see you. Thank
24 you.

25 SENATOR CRAVEN: May I, Mr. Chairman?

26 CHAIRMAN ROBERTI: Senator Craven, yes.

27 SENATOR CRAVEN: I would feel remiss if I were not
28 to say something, first of all, to tell you how delighted

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1 we are to see you; and, secondly, to acknowledge the
2 fact that you were, in fact, for better or for worse,
3 my mentor here 15 or 16 years ago, for which I am
4 eternally grateful.

5 CONGRESSMAN LEWIS: Every once in a while, you
6 know, you try to help somebody and it doesn't hurt him
7 too much.

8 (Laughter.)

9 SENATOR CRAVEN: Well, here I am, Jerry.

10 CONGRESSMAN LEWIS: Thank you very much, Senator
11 Roberti, appreciate your having me here.

12 CHAIRMAN ROBERTI: Thank you for being with us.
13 Join us anytime.

14 Our next witness is our former colleague, and
15 until recently, United States Congressman, Gene Chappie.
16 Senator Mello said, "Oh, oh."

17 (Laughter.)

18 CONGRESSMAN CHAPPIE: Mr. Chairman --

19 SENATOR MELLO: You want her to copy this down
20 or not (speaking of court reporter)?

21 (Laughter.)

22 CONGRESSMAN CHAPPIE: -- all of my former
23 colleagues, I can do it in Italian if you like. And
24 lacking the eloquence of my former seatmate, I'm delighted
25 to be here, gentlemen, and hopefully add something to the
26 record in support of a gentleman that I have come to know
27 and deeply respect.

28 My first brush with Congressman Lungren was as a

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1 freshman congressman, and oftentimes wondered about
2 his urgency about so many of the issues that came to the
3 floor, and oftentimes said to myself, "Gosh, why don't that
4 kid keep his eyes and ears open and his mouth shut once
5 in a while?" But that's a sign of age, I trust.

6 Nonetheless, I came to know Dan during the first
7 debate on the immigration bill, the first immigration
8 bill. Being a farmer by trade, representing one of the
9 richest agricultural areas in the State, and serving on the
10 Ag Committee, I did not have entree to the machinations
11 of the Judiciary Committee, and, thereupon, had to
12 establish a relationship with the young attorney. And let
13 me say to you, in all sincerity, that I don't believe that
14 Senator Simpson nor Congressman Mazzoli knew the bill as
15 well as Dan Lungren. He was effective on the floor,
16 strong advocate for the rights of those folks who were
17 being placed back across the border with families in
18 California and elsewhere in the nation, a deep compassion
19 for their problems.

20 I was somewhat shocked to learn that some people
21 would say that Dan Lungren is a racist, far from the
22 truth. I found him to be a very compassionate, articulate,
23 concerned human being as relates to the rights of humans
24 in the society of ours, and a gentleman who had perhaps a
25 few flower gardens in his district with such a concern
26 for the agricultural interests of this State, the most
27 important industry in this State. He did his homework,
28 He did it thoroughly. He lobbied endlessly, and oftentimes

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1 much to my distress. I ultimately ended up as a
2 conferee on that first conference and lost a lot of
3 sleep and some degree of patience.

4 There's another indication of his tenacity. They
5 came back with a second bill, and I really didn't give
6 it a chance. And I think mainly due to his efforts,
7 particularly in the Republican Conference, that bill was
8 passed. There was some portions of that I did not like
9 and voted against them.

10 And I'd like to briefly comment relative to what
11 happened to all of this in this process of government
12 in terms of ratings, if you will. Many of the major
13 bills -- the first immigration bill, for example, had
14 some 200 amendments proposed to it. 200 amendments. Well,
15 it's obvious that many of those I would have had to vote
16 against. And I did ultimately in the second bill. And I
17 know full well what that does to a legislator's ratings.
18 So, I came here because I wanted to be here today,
19 gentlemen, to say to you that, partisanship aside, I've
20 also observed Dan Lungren and his family many evenings
21 late at night, his impatience, his chafing because he had
22 a youngster in Little League and he couldn't be there to
23 support that kid.

24 Very, very warm family relationship. There's a lot
25 of love there. I think that speaks forcefully for where
26 this individual's coming from. A brief statement. If
27 you have questions, I'd be delighted to respond.

28 CHAIRMAN ROBERTI: Senator Ellis.

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1 SENATOR ELLIS: Congressman, Congressman
2 Lungren's been criticized because he has not authored
3 very many bills. You know, here, we are criticized
4 because we author too many bills.

5 CONGRESSMAN CHAPPIE: I remember Charlie Meyers,
6 Senator,

7 SENATOR ELLIS: And I think we do author too
8 many. But could you tell us -- you were there about
9 10 years, right?

10 CONGRESSMAN CHAPPIE: Six years.

11 SENATOR ELLIS: Six. How many bills did you
12 author in six years?

13 CONGRESSMAN CHAPPIE: Two.

14 SENATOR ELLIS: Two.

15 CONGRESSMAN CHAPPIE: You learn early on,
16 Senator, that there's always an opponent lurking in the
17 tules out there. And you introduce a multitude of bills,
18 because of that system -- knowing full well that there's
19 virtually no opportunity for passage -- you lay yourself
20 wide open the next election. Here is the most
21 ineffective Congressman in California; introduced a
22 whole gaggle of bills, never got one passed.

23 I got two bills passed during my term. It took me
24 three years to get the Feather River - Trinity River bill
25 passed, because of many of the things that Congressman
26 Lewis has alluded to. The subcommittee system is just
27 horrendous.

28 SENATOR ELLIS: Did you have any bills hijacked?

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1 CONGRESSMAN CHAPPIE: Oh, absolutely. We use
2 the same term there as we did here, Senator.

3 SENATOR ELLIS: They use the same term?

4 CONGRESSMAN CHAPPIE: Yes, sir.

5 SENATOR ELLIS: So, if he has only authored,
6 what, three, did you say? Three bills?

7 CONGRESSMAN LUNGREN: Senator Mello had the list.
8 I've never looked at it.

9 CONGRESSMAN CHAPPIE: For what it's worth, in my
10 judgment, that's good judgment, because --

11 SENATOR ELLIS: For a Republican, that's probably
12 pretty good.

13 CONGRESSMAN CHAPPIE: Absolutely. When you're in
14 the minority, why, you come to learn and accept the facts
15 of life. And --

16 SENATOR ELLIS: Couldn't you folks straighten
17 that system out back there and kind of pattern it after
18 what we do?

19 CONGRESSMAN CHAPPIE: Senator, oh, Lord, give us
20 the line item veto, among other things. But when that
21 insane asylum is unable to pass a budget, you can wonder
22 why many of us leave there. The system does not work
23 anywhere near as well as this one does. And oftentimes I
24 missed it, believe it or not.

25 CHAIRMAN ROBERTI: Thank you, Congressman, Good
26 to see you again.

27 CONGRESSMAN CHAPPIE: Thank you,

28 SENATOR CRAVEN: Thank you, Gene.

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1 CHAIRMAN ROBERTI: The next witness is Gaddi
2 Vasquez, Supervisor, Orange County.

3 MR. VASQUEZ: Mr. Chairman and members of the
4 Committee. My name is Gaddi Vasquez, and I'm a member of
5 the Orange County Board of Supervisors. I represent the
6 third district in Orange County.

7 I appreciate the opportunity to address your
8 honorable Committee. And I'm here today on my own
9 behalf, and wish to offer your honorable Committee my
10 perspective of Congressman Dan Lungren in his nomination
11 for the position of State Treasurer.

12 I have been in public service for over 13 years,
13 having commenced my public service career as a police
14 officer in the City of Orange, and have held a number of
15 positions at the city, county, and State level.

16 During the course of those 13 years, I have had
17 the pleasure of meeting and observing many respected
18 leaders of this State, including some members of your
19 honorable Committee.

20 One of those individuals who, in the course of
21 time, has stood out is Congressman Dan Lungren, who
22 represents the 42nd Congressional District, as you all
23 know, which includes a portion of Orange County,

24 His popularity is evidenced by his continued and
25 overwhelming reelection to office. And it is obvious
26 that his constituents hold him in high esteem and have
27 recognized his distinguished and unique qualities as a
28 public servant and effective legislator. He has proven

1 himself as an exemplary legislator, and recognizes
2 the process, I think, as has been referenced earlier,
3 of give and take as a proper course of action to achieve
4 the objectives and goals of good public policy. And as
5 a county supervisor, obviously, that is also a critical
6 element.

7 As someone who has observed Congressman Lungren's
8 performance for many years, I believe he possesses the
9 necessary personal and professional qualities to sustain
10 the dignity and the honor of this high office.

11 Congressman Lungren is a man of solid background
12 with the elements of integrity and honesty as the
13 cornerstones of his personal and professional foundation.
14 We all know so well the importance and significance of the
15 job of State Treasurer. And absence the confidence I have
16 in Dan Lungren and the fact that just a few days ago, I
17 was in a cardiac care unit in Orange County trying to
18 take care of myself, I still felt compelled to be here
19 before you today, because I felt it important to offer
20 my observations and commentary.

21 Over the course of my career, two issues have been
22 of prominent significance to me. As a former police
23 officer, I have closely scrutinized the efforts of
24 legislators as they relate to criminal justice and law
25 enforcement legislation, as well as their own personal
26 adherence to the laws of our State.

27 During his tenure in Congress, Congressman Lungren
28 was one of the champions of the comprehensive Crime Control

1 Act of 1984, which constitutes one of the most far-
2 reaching reforms since the 1968 Omnibus Crime Control
3 and Safe Streets Act.

4 And I guess one really can't appreciate the
5 significance of all of that, I suppose, unless you've
6 driven a patrol car and you've had to encounter the
7 street situations that are commonplace with law enforcement
8 officers.

9 The Act contained provisions to strengthen the
10 Federal Criminal Code and provided funding and authority
11 to enhance federal prosecution, increase the penalties for
12 federal crimes, and to intensify the investigation,
13 apprehension, and prosecution of federal, quote, violators.

14 His efforts, along with those of his colleagues
15 in Congress, produced a renewed commitment to law
16 enforcement and crime suppression by the federal government.
17 And Congressman Lungren's persistent efforts in this
18 legislative endeavor are indicative of his tenacity and
19 commitment to principles of representative government.

20 These are qualities that I believe should be
21 sought and representative of the next Treasurer of the
22 State of California.

23 The second issue which is of importance to me
24 is one that I view with interest by virtue of my Latino
25 background and concerns with issues that impact the
26 Latino community of California. For you see, the first
27 three years of my life were spent in the labor camps and
28 in the bracero camps of Watsonville, California and the

1 Salinas Valley area.

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2 As a Latino, as a young child, and as an adult,
3 I have watched with pain as millions of undocumented
4 workers and most importantly, human beings, have had to
5 live in hiding or as a shadow society, or pursuing the
6 opportunity to engage in a new life style and opportunities
7 in the United States for their families and loved ones.

8 In my opinion, a leader of the stature is one
9 who understands the dimensions of compassion and one who
10 can change his or her mind when the facts of an issue
11 supersede even one's own philosophical persuasion.

12 There's perhaps no greater example of compassion,
13 coupled with the desire to establish a federal policy for
14 border control, than the Immigration Reform Act. As a
15 leader in Congress, Dan Lungren was pivotal and
16 instrumental in crafting the landmark legislation that
17 will literally revolutionize the lives, the life styles,
18 and the status of hundreds of thousands of men, women,
19 and children.

20 His leadership on this issue again demonstrates
21 his capacity to lead and to muster the necessary support
22 for effective and compassionate legislation to take
23 place. Over a period of many months, Congressman Lungren
24 worked long and hard on a bipartisan basis to develop and
25 sustain the provisions of the Immigration Reform Act of
26 1986, which while not perfect, did find sufficient support
27 to pass and receive the approval of the President of the
28 United States.

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1 But most importantly, the Immigration Reform
2 Act was the first concrete step in addressing the plight
3 and the needs of undocumented residents in the United
4 States. Dan Lungren was a leader in that fight. His
5 leadership and courageous commitment to that issue
6 prompted United States Senator Alan Simpson of Wyoming
7 to say, and I quote:

8 "I have always been impressed with
9 Dan Lungren's approach to public policy
10 issues. Whether it was criminal law,
11 drug enforcement, bankruptcy courts and
12 law, or fiscal issues, he has always
13 prepared, well-grounded in his principles,
14 and open to suggestions by others, even
15 those with whom he disagrees. I believe
16 that in a nonideological, bipartisan
17 approach to the serious problems that we
18 face in the Senate, he is the most
19 effective. And Dan Lungren has approached
20 the tough issue in a similar manner in
21 the House.

22 "That is why people respect and admire him. He is
23 simply a straight shooter and an able and articulate
24 individual." End quote.

25 I am sure that you may have more than enough
26 research and documentation to suit your needs. But as
27 someone who represents the sentiments of many Hispanic
28 leaders and residents of Orange County, I submit to you that

1 Dan Lungren is an accomplished leader who has acknowledged
2 an ability to change when persuaded with the facts and
3 yet staunch and firm when determined to represent the
4 public interest.

5 He is indeed a fiscal conservative, which is
6 probably not a bad qualification for a State Treasurer.
7 But he has also demonstrated an ability to facilitate,
8 to mediate, to negotiate, and effectively legislate.

9 He has earned his stripes. And when weighed in
10 the balance of integrity, intelligence, honesty, and
11 leadership, I'm confident that he can and will meet the
12 challenges of the position of State Treasurer.

13 Mr. Chairman and members of the Committee, I
14 wish to thank you for this opportunity, and trust that
15 your wisdom in the measure of facts will move you to
16 recommend the confirmation of Congressman Dan Lungren.

17 Thank you, Mr. Chairman.

18 CHAIRMAN ROBERTI: Thank you, Supervisor.
19 Senator Ellis and then Senator Petris.

20 SENATOR ELLIS: Supervisor, during the last two
21 and half days, Congressman Lungren's been categorized here
22 as, if not a racist, at least insensitive to minority
23 needs. Would you agree to that statement?

24 MR. VASQUEZ: No, sir. I would not agree with
25 that. I think that the legislation and the action that
26 Congressman Lungren and the leadership that Congressman
27 Lungren provided in Congress is indicative of some
28 courageous leadership, given the complexity of a very

1 controversial issue of immigration, border control,
2 not only in the general community at large, but
3 particularly in the Hispanic community.

4 We in the Hispanic community are divided on many
5 issues, be it bilingual education, be it immigration
6 reform. And even within the Hispanic community, there
7 are obviously different perceptions of how that situation
8 ought to be dealt with. But I think the fact that
9 today, we have a starting point. Today we have the
10 Immigration Reform Act. It will provide opportunities,
11 and is already obviously, by the response that has been
12 received, providing opportunities to many, many people in
13 this State and in this nation who are now seeking to
14 permanently root themselves in this country.

15 And I would hardly characterize someone who has
16 embarked on those very, very ambitious, politically
17 ambitious efforts, as someone who is racist or
18 discriminatory.

19 SENATOR ELLIS: Thank you.

20 CHAIRMAN ROBERTI: Thank you. Senator Petris.

21 SENATOR PETRIS: I'm interested in your experience
22 as a farm worker or a family that comes from that
23 environment.

24 MR. VASQUEZ: Yes, sir. Three generations.

25 SENATOR PETRIS: Three generations?

26 MR. VASQUEZ: Yes, sir.

27 SENATOR PETRIS: Do you think that we're meeting
28 the needs of housing for farm workers in this State?

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1 MR. VASQUEZ: Well, sir, I believe that there
2 was always more that can be done. And one of the issues
3 that I have been particularly concerned with as a
4 Supervisor, and have publicly gone on record as stating,
5 is that while the Immigration Reform Act affords people
6 an opportunity of status in this country, we all -- both
7 the Supervisors -- and even in Orange County, which still
8 has some agriculture left in that county, despite sometimes
9 the perceptions that we don't -- do, in fact, need --
10 have a need to address the kinds of issues like housing,
11 like health, like social services that many of these
12 recipients of this opportunity are going to now demand
13 of the system.

14 SENATOR PETRIS: Are you aware specifically of
15 Northern San Diego -- it's not your area, but it's nearby,
16 Northern San Diego County, according to a report we
17 received about two years from a State agency, there are
18 about 10 to 12,000 farm workers living in holes and hovels?
19 Assuming that to be true --

20 MR. VASQUEZ: Yes, sir.

21 SENATOR PETRIS: -- would you encourage
22 Congressman Lungren in his capacity as Treasurer, to
23 allocate some of the housing monies that come through some
24 of the boards that he sits for an increased -- or maintain
25 a present level of funding for housing for those farm
26 workers and other poor people in general?

27 MR. VASQUEZ: Yes, sir, I would. And I would not
28 only confine myself to encouraging the addressing of the

1 housing issue, but as I stated previously, one of the
2 unknown in the Immigration Reform Act that we all, as
3 local governmental leaders, have to contend with is how
4 are we going to deliver the services that many people
5 who previously would not have requested housing, who
6 previously would not have requested social human services
7 for fear of detection, apprehension, and deportation --

8 SENATOR PETRIS: They can now surface, right?

9 MR. VASQUEZ: Pardon me?

10 SENATOR PETRIS: They can now surface and
11 request it.

12 MR. VASQUEZ: Absolutely, sir. And it is in that
13 context that I think it's critical for all of us at the
14 local governmental level, as well as well as the
15 legislative and State level, that we acknowledge that
16 that is going to be a byproduct, if you will, of that
17 legislation and be prepared for it.

18 SENATOR PETRIS: Well, you know, the Treasurer
19 sits on several boards which have a lot to say about
20 the allocation of money in a time of increasing
21 competition for that money, particularly the impact of
22 the 1986 tax reform, it's removed the tax advantage or
23 reduced it of certain kinds of bonds.

24 MR. VASQUEZ: Yes, sir.

25 SENATOR PETRIS: And will result -- probably has
26 already -- in a reduction of the total amounts. So, we've
27 got the total amount of money available through that
28 mechanism dropping. We have the increase in demand for

1 housing that you have described, plus an additional
2 increase with the expiration of federal programs that are
3 now 30-plus years old, some only 20, with the ability and
4 the rightful ability, and the right of the owners to
5 switch away from the federal programs to the common -- the
6 free market. All those factors make the housing situation
7 in many parts of our State very, very tight.

8 Now, we questioned Mr. Lungren a lot about that
9 because of the importance of the Treasurer in the
10 discretionary power that's given to that office to
11 determine how bond money is allocated. So that's why I
12 ask you the question. You would help him on that and
13 encourage him to take a good look at the needs there and
14 help there as much as possible?

15 MR. VASQUEZ: Yes, Senator, I would, because it's
16 one of those issues that we have to recognize is going to
17 be with us. And, again, I restate, is somewhat a byproduct
18 of the impact of the Immigration Reform Act, and
19 the consequences to our communities would go beyond,
20 obviously, the boundaries of the Hispanic community if we
21 were not able to deliver and provide some of those
22 services and assistance that these men and women and
23 children are going to critically need.

24 SENATOR PETRIS: Now, we have a lot of housing
25 groups who complained about his votes on housing. They
26 feel he's antagonistic to expanding those programs. You
27 feel comfortable about his record in housing as he would
28 approach his duties as Treasurer in that part of the job?

1 MR. VASQUEZ: Senator, I would respond by
2 saying that the Immigration Reform Act is prompting all
3 of us, especially at the local governmental level, to
4 reevaluate our priorities and how we are going to address
5 our needs. And Orange County is a very significant example
6 of that. So, I suppose that if one were to provide good
7 sound leadership, and given the fact that the Immigration
8 Reform Act is a new entity, if you will, that we have not
9 had to contend with in the past, we are now going to have
10 to deal with and provide the services that beneficiaries
11 or recipients are going to request, that it is an issue
12 that definitely needs to be addressed and ought to be
13 consciously addressed.

14 SENATOR PETRIS: The people who will now surface
15 and feel more comfortable about seeking better housing
16 and, therefore, increase the demand, where do they live
17 now?

18 MR. VASQUEZ: Well, I think, it's been my
19 experience as a police officer and the community relations
20 coordinator for a very large city in Southern California,
21 unfortunately they live in conditions that are less than --
22 in many instances, less than humane, and frankly, being
23 exploited in many areas.

24 SENATOR PETRIS: You're familiar with that?

25 MR. VASQUEZ: Very much so. I've seen many in a
26 uniform.

27 SENATOR PETRIS: Thank you.

28 MR. VASQUEZ: Yes, sir.

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1 CHAIRMAN ROBERTI: Thank you very much,
2 Supervisor.

3 MR. VASQUEZ: Thank you, Senator.

4 CHAIRMAN ROBERTI: Our next witness is the
5 Honorable Robert Finch, former Lieutenant Governor of the
6 State of California.

7 MR. FINCH: Thank you, Mr. Chairman. It's a
8 delight to be back in this building and see some old
9 friends and comrades. I'll be very brief. And I'm here
10 for a very personal reason.

11 Having known Dan Lungren and the Lungren family
12 for over 30 years, his father having been our family
13 physician, and having been involved in recommending him
14 to a lot of political life, including service with
15 Senators Brock and Murphy in Washington, having had his
16 wife as one of my valued assistants when I was Secretary
17 of Health, Education, and Welfare, I mean you're dealing
18 with a whole array of the most sensitive kind of problems
19 at a crucial time -- you recall the tumult of the late
20 sixties and early seventies when I was having to preside
21 over everything from desegregation and the dual school
22 systems, and the problems of racial unrest. And when
23 that department -- Health, Education and Welfare -- was
24 an all-embractive department, involving everything from
25 atomic energy to oil and water and soil pollution and the
26 like.

27 So, I'm trying to point out that Dan Lungren's
28 time in politics, even up and including the time that he

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1 went with Pat Brown's law firm -- when I recommended
2 that as well -- brought him into involvement with a great
3 many constituencies and a great many problems.

4 And he learned maturity in the political world,
5 that you have to work with people with different points
6 of view. But the idea that he's not a mainstream
7 Republican is to me the most irresponsible of charges.
8 And like each one of us, we have our views on individual
9 issues, but we understand, if we understand the process,
10 that we make our views known, and then if public policy is
11 to work, if the political process, the legislative process
12 is going to work, we get behind public policy and implement
13 it. And that's how it works. And Dan Lungren understands
14 that.

15 And we may not agree with him, but I think it's
16 been established here and in the hearings in the Assembly
17 side that he is competent and bright and honest.

18 And I have a couple of other thoughts as well
19 with regard to the kind of problems that Senator Petris
20 raised. We are going to be -- whether they're general
21 obligation bonds or specific authority bonds -- we're
22 going to be faced with an incredible number of problems
23 in this State in the next ten years.

24 And I think it's critically important as we step
25 into this era that we recognize what Jesse Unruh did in
26 standing with the Governor, understanding that whatever
27 their other differences, no matter how partisan they were,
28 that on the issue of the State's credit in the New York

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1 markets and worldwide, you have to have a Treasurer and
2 a Governor who are going to work together in that
3 important area.

4 Now, let's take a scenario where we have to go to
5 the courts with this office, and we see the office
6 standing idle for months and weeks. I don't think it's
7 a salutary thing in terms of getting at these kind of
8 problems, whether they're AIDS, or mass transit, or housing,
9 or whatever, to have this kind of a situation reflect.
10 Because I care very much, having spent most of my life
11 as a partisan politician, about this process and about
12 our legislative system.

13 And I think we need to think about that kind of
14 broad overview as we come to what will be a vote to
15 confirm, which I hope you will do, and I have every
16 confidence that you will be satisfied that Dan has
17 discharged his duties well if you vote to confirm him.
18 I appreciate the time, Mr. Chairman.

19 CHAIRMAN ROBERTI: Thank you, Mr. Finch. Senator
20 Mello.

21 SENATOR MELLO: I'd like to ask you to clarify.
22 You said if the appointment were going to go to court --
23 by what reference were you making that?

24 MR. FINCH: I'm simply looking at it as an
25 observer, because obviously the public prints have been
26 full of prospects about when and how it might go to
27 court, under what circumstances, and which courts it would
28 go to, and a whole variety of scenarios that have been

1 spelled out. I think that would be terribly unfortunate.
2 That's all. I was offering a political judgment about --

3 SENATOR MELLO: You're referring to the
4 appointment of Congressman Lungren as Treasurer might
5 end up going to court?

6 MR. FINCH: Well, the whole question of one house
7 or two. I mean there's a whole series of questions that
8 can be raised in terms of judicial issues. I'm not
9 trying to predict that.

10 I'm saying that one of the consequences of
11 a vote up or down, whether it's one vote or ten, or
12 whatever, has to be that it may be challenged in the
13 courts.

14 SENATOR MELLO: Well, there's been -- I think
15 that's a point that has to be clarified. I've read about
16 it. The Governor has raised points that it's unclear
17 and -- but here is the Constitution of the State of
18 California, Article V, Section 5(b). And I'll skip the
19 first sentence.

20 It says -- it refers to the constitutional officers.

21 "The Governor shall nominate a
22 person to fill the vacancy who shall
23 take office upon confirmation by a
24 majority of the membership of the
25 Senate and a majority of the membership
26 of the Assembly, and who shall hold
27 office for the balance of the unexpired
28 term."

1 And that's what the Constitution says. It goes
2 on to say that if we fail to act within this 90-day
3 period, then he's automatically confirmed.

4 But there -- I mean the way I read it -- I'm not
5 an attorney. I just read words for the way I think they
6 mean. There's absolutely nothing ambiguous about this
7 statement at all, about going into court. I mean, anyone
8 can go into court; if you file a lawsuit, you'll be in
9 court whether it's meritorious or not. But the law is
10 very clear in my opinion.

11 And it's very clear on the Attorney General's
12 opinion as well.

13 MR. FINCH: Having practiced law for 30 years, I'm
14 the first to admit my limitations and express my
15 skepticism about what may transpire. I just was trying to
16 point to one plate of horrors that I would rather hope
17 not -- none of us, I'm sure, would hope -- it could be
18 avoided (sic).

19 SENATOR MELLO: Thank you.

20 SENATOR PETRIS: Mr. Chairman.

21 CHAIRMAN ROBERTI: Senator Petris.

22 SENATOR PETRIS: As the oldest person around in
23 service, and who remembers Bob Finch probably better than
24 the others, because I worked with him during that time --
25 although he was over there in other house as Lieutenant
26 Governor and so forth -- I just want to say welcome to you.
27 I remember you and your time here and in Washington with a
28 lot of admiration. And I'm happy to see you here.

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1 MR. FINCH: It's good to see you. Thank you.

2 SENATOR PETRIS: Thank you.

3 CHAIRMAN ROBERTI: Any further questions?

4 MR. FINCH: I appreciate the time of the Committee.

5 CHAIRMAN ROBERTI: Senator Ellis.

6 SENATOR ELLIS: Sir, sort of the same question I
7 asked the previous witness.

8 Congressman Lungren has been categorized as
9 insensitive to health issues, to social issues, things of
10 that sort. Now, if Mrs. Lungren was the nominee, I guess
11 it would be easy, since she worked in that field. But
12 what would be your feelings in regards to the Congressman
13 on a statement of that sort?

14 MR. FINCH: Well, the evidence, of course, of his
15 family relations is pretty close, personal, and ties
16 within a very remarkable family, but having been the son
17 of a practicing doctor, as Dan is, having worked and
18 seen his father with a heart attack, he's, I think,
19 matured greatly in terms of an understanding a little bit
20 about the very complex health care system we have in this
21 country. I think -- I've seen him mature a great deal
22 in having -- in learning compassion and in learning to care
23 about people, particularly as they move along in an
24 underprivileged situation, or aged, and the problems of
25 aged housing, aged care, because you can't be exposed
26 to that with the kind of active practice that his father
27 had, for example, without beginning to get some understand-
28 ing of it.

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1 And then, as you advance in the kind of
2 responsibilities he's had, to understand, as you are more
3 and more in the public process, how broad-scaled these
4 problems are and what works and what doesn't work in
5 terms of government's efforts to try to address those
6 problems.

7 So, I think he's come a long way.

8 SENATOR ELLIS: Thank you.

9 MR. FINCH: Thank you very much.

10 CHAIRMAN ROBERTI: Thank you again.

11 Our next witness is Mr. John Barbieri, an
12 international trade consultant from San Pedro.

13 MR. BARBIERI: Thank you, Mr. Chairman, members
14 of the Committee. It's an honor to be here today.
15 Actually, I'm not an international trade consultant.
16 The witness list is in error. I am a maritime consultant,
17 but inasmuch as about 98 percent of --

18 CHAIRMAN ROBERTI: Sounded good to us.

19 MR. BARBIERI: -- inasmuch as about 98 percent
20 of our foreign commerce is moved on the world's oceans,
21 then I guess there is some kind of a connection there.

22 I am here today, Mr. Chairman, because I believe
23 in Dan Lungren. More importantly, I believe in the
24 process by which he seeks to be confirmed for California
25 State Treasurer.

26 The people of California have a right to know
27 who their next State Treasurer will be. And while I
28 personally have not been entirely happy with the conduct

1 of previous hearings that have taken place in the
2 Assembly, still I believe the public interest has been
3 served and continues to be served through the thoughtful
4 deliberations of this Committee and the State Legislature.

5 I am hopeful that when all is said and done, you
6 and your colleagues will reach the same conclusion as
7 other Californians who have endorsed Dan Lungren, that he
8 is qualified and fit to serve as the State Treasurer of
9 California.

10 Undoubtedly, political differences abound between
11 Congressman Lungren and many members of this Legislature.
12 The Congressman has been derided by some witnesses,
13 unfairly in my view, for a lack of sensitivity, his
14 political partisanship, and a host of other evils.

15 I am hoping that the members of the Senate and the
16 Assembly will rise above partisan politics and confirm
17 Congressman Lungren as a qualified and able steward of the
18 public trust.

19 I've known the Congressman for approximately 10
20 years. During this time, I have come to know him
21 both professionally and personally. Last year, I served
22 as president of an organization consisting of over 600
23 small businesses in the greater Port of Los Angeles area.
24 I found Congressman Lungren to be extremely responsive to
25 the needs of his constituents, and I for one believe that
26 small business is the backbone of American enterprise.

27 Congressman Lungren has been a tireless supporter
28 of small business in his district and outside of his

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1 district. I've also been active in other community
2 activities as well. Since 1981, I have served on the
3 Board of Directors of the Harbor Area Ethnic Political
4 Coalition. This is a nonprofit, nonpartisan organization
5 established in 1970 for the purpose of bringing our
6 diverse ethnic groups from the Los Angeles and Long Beach
7 Harbor areas closer to the political process.

8 One of our principal targets for change is voter
9 apathy. We stress the importance of participatory
10 democracy to all of our members, and we take great pride
11 in that 18 ethnic groups have representation on our
12 coalition. And all are active in their own community
13 on projects such as voter education, crime prevention,
14 gang alternative programs, and local economic development.

15 The Committee will be interested to know that in
16 election years, this coalition assembles to endorse
17 candidates whom we feel best articulate the values and
18 concerns of our communities.

19 Since 1970, this predominantly Democratic
20 group has endorsed only three Republicans for local,
21 State, or Federal office. Congressman Lungren was one
22 of those three.

23 Why would a predominantly liberal Democratic
24 group endorse a man so thoughtfully described yesterday
25 as worse than Scrooge? First, because we know him. And
26 I'm not talking about his votes on thousands of technical
27 amendments to bills which have come before the House of
28 Representatives. We know Dan Lungren the man, a man who

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1 grew up and was educated in our community, a man from
2 a respected and admired family, whose parents instilled
3 in him the values which in turn has instilled in his
4 children, and those around him.

5 We know Dan Lungren as a man who loves his
6 country and loves government. All of you who serve in
7 government know what great financial rewards await in the
8 outside world. But you serve the people because of a
9 desire to make government work for the people. Dan Lungren
10 shares that desire. He is a serious man, a man of
11 moderation, and a man of unimpeachable integrity.

12 Much has been said about the Congressman's
13 commitment to civil rights. I cannot give you a detailed
14 analysis of his voting record on the subject. But I do
15 know that civil rights legislation, like almost all
16 legislation in Washington, tends to take on the
17 appearance of a Christmas tree as this bill or that one
18 moves through the legislative process, with special
19 interest amendment after special interest amendment added
20 to a bill like ornaments to a Christmas tree.

21 But I will tell you this about Dan Lungren. He
22 is a man who cares deeply about people. Our obligation to
23 respect the law, in my opinion, transcends the written
24 law itself. The courts, for example, punish the person
25 who uses his hand as a weapon, but not the person who
26 fails to extend it to help his fellow man.

27 In the case of civil rights, the courts can try
28 to enforce the law, but they can never enforce respect for

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1 the law.

2 Dan Lungren respects the law. He believes
3 through his faith and through his convictions that each
4 one of us is a unique, sacrosanct individual individual
5 entitled to live the full and free life that all of us
6 want for ourselves and for our children.

7 Dan Lungren is not the type of man who will vote
8 one way on the floor of the House and then go out into
9 society and violate the very principle of what he had just
10 voted for. In Washington, all too often, this is the case.

11 Finally, Mr. Chairman, I would like to address the
12 Congressman's environmental record in Congress. Yesterday,
13 Congressman Lungren stated that some of his votes in
14 Congress were based more on his concern for the federal
15 deficit than for any philosophical requirement. I take him
16 at his word. I would like to add, however, that
17 Congressman Lungren, in my view, has made significant
18 contributions to protecting the environment. I feel I
19 can speak with some authority on this, since during the
20 1970s, I worked as a legislative assistant to one of the
21 principal architects of landmark United States environmental
22 legislation, including the National Environmental
23 Policy Act, the Coastal Zone Management Act, the Marine
24 Sanctuaries Act, the Clean Air and Clean Water Acts, and
25 numerous statutes dealing with conservation and management
26 of living resources of the sea.

27 Also, I have been deeply involved in international
28 environmental policy through my participation as a

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1 congressional observer, and later as a member of the
2 Public Advisory Committee to the United Nations
3 Conference on the Law of the Sea.

4 Perhaps the greatest indirect contribution
5 Congressman Lungren has made to the environment has to do
6 with immigration policy. As an example, and as the
7 Chairman well knows, the most serious problem facing
8 California's environment today is our continuing rapid
9 increase in population. These increases have nearly
10 offset all the progress that has been made in protecting
11 our air and our water.

12 Congressman Lungren has forged a bipartisan
13 effort to deal with the issue of illegal immigration in
14 this country. Mr. Chairman, I am told that one in five
15 and possibly as many as two in five residents in Los
16 Angeles County are there illegally. This situation
17 exacerbates an already serious population problem, which
18 is reflected in our waste disposal crisis, increased
19 traffic congestion, which adds to diminished air quality,
20 and other problems.

21 There is little we could or in my view should do
22 to prevent people from coming to California. After all, it
23 is a very desirable place to live. But there is much
24 we can do to deal with the environmental implications of
25 unchecked illegal immigration. Congressman Lungren
26 should be commended for taking the initiative in this
27 tough public policy area.

28 Our environmental problems do not occur overnight

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1 and they will not be resolved overnight, and they
2 cannot be resolved in a vacuum. A coordinated
3 international approach is needed and Congressman Lungren
4 has been a forceful advocate of working with the world
5 community to address these problems. He has supported
6 administration efforts to negotiate a commonly acceptable
7 treaty governing acid rain with Canada.

8 He has been extremely concerned with a very
9 serious problem along our southern border with Mexico
10 and water problems that -- that occur there.

11 As the representative of California's historic
12 fishing fleet based at San Pedro, California, he is taken
13 a very keen interest in the conservation and management
14 of the living resources of the sea and, of course, he was
15 an early supporter of what I consider the ultimate
16 environmental issue of our day, the intermediate nuclear
17 forces treaty, which was recently signed with the Soviet
18 Union.

19 He has been criticized, Mr. Chairman, by some
20 witnesses for supporting the law. And I will use the
21 example of exploring for oil on the outer continental
22 shelf. The Outer Continental Shelf Lands Act amendments
23 of 1978 specifically require the Department of Interior
24 to develop a balanced plan to explore for oil and gas
25 resources on the outer continental shelf.

26 And he had -- the Congressman had been
27 criticized for being out of step with mainstream
28 California thinking on this subject. I don't know if

1 Bishop Brookins is still here, but I would like to
2 point out to the Committee that Bishop Brookins and a
3 number of other distinguished Californians, including
4 former Governor Pat Brown, Mickey Cantor, Bill Robertson
5 of the AFL-CIO, recently formed an organization in
6 Los Angeles whose sole purpose is to support coastal
7 drilling, the rationale being that no one community should
8 have to bear the burden to develop the energy resources
9 that we all need.

10 California's the third largest gasoline market in
11 the world, only behind the Soviet Union and the rest of the
12 U.S. And for all of this development to occur in one
13 area, whether it be Kern County or in my area of
14 Wilmington or San Pedro, these people think is grossly
15 unfair.

16 Further, Mr. Chairman, I will leave it to your
17 discretion, if you would like to enter these documents
18 into the record, I would just like to point out, that
19 Congressman Lungren's position on offshore oil leasing
20 has been addressed by a number of minority groups. Many
21 of them state in their testimony here before various
22 congressional committees that it is the single-most
23 important -- energy is the single-most important issue
24 facing them, the capacity to conduct work. There has to be
25 a job to exist in order to have job opportunities. And
26 this is the point that they were making. And I would
27 like to offer the testimony of the president of the
28 National Council of La Raza, the President of the

1 California Chapter of the League of United Latin
2 American Citizens, the Vice President of the Far
3 West Region of the League of Latin American Citizens, the
4 President of the Los Angeles Black Business Association,
5 the testimony of a city councilman from Inglewood,
6 California, the President of the Watts Chapter of the
7 National Association for the Advancement of Colored
8 People, and the President of the California Hispanic
9 Chamber of Commerce.

10 I will be happy to entertain any questions. And
11 thank you for your patience.

12 CHAIRMAN ROBERTI: Thank you very much, Mr. Barbieri.
13 We'll enter those letters into the record. Are there
14 any questions of the witness?

15 SENATOR PETRIS: Yeah, Mr. Chairman. Just some
16 information. I'd like you to clarify something. I don't
17 know whether you were talking about two groups in the
18 beginning or one. You identified yourself as working with
19 600 business people?

20 MR. BARBIERI: Yes.

21 SENATOR PETRIS: What's the name of that?

22 MR. BARBIERI: That is the San Pedro Peninsula
23 Chamber of Commerce, which is an organization which
24 represents over 600, mostly small businesses.

25 SENATOR PETRIS: And you mentioned another group.

26 MR. BARBIERI: And the other group is the Harbor
27 Area Ethnic Political Coalition, which is a nonpartisan,
28 nonprofit organization founded in 1970. I serve on their

1 Board of Directors, both in a voluntary capacity.

2 SENATOR PETRIS: And it's called what? Harbor Area --

3 MR. BARBIERI: The Harbor Area Ethnic Political
4 Coalition.

5 SENATOR PETRIS: Thank you. I mixed them up.

6 MR. BARBIERI: Okay.

7 CHAIRMAN ROBERTI: Thank you again. The next
8 witness is Mr. Trong Nguyen, the President of La Boulangerie
9 in Sacramento, as well as being the State Senate's
10 small businessman of the year a few years ago. But you're
11 not so --

12 MR. NGUYEN: 1982.

13 CHAIRMAN ROBERTI: That's right, but you're not
14 so small anymore.

15 MR. NGUYEN: Thank you very much, Mr. Chairman,
16 for allowing me to speak today. I'd just like to -- it's
17 been an educational experience for me to sit here and
18 listen to all the testimony.

19 Different from formal speakers, I did not meet
20 the Congressman until last night at Frank Fat's. And
21 I'm also a Democrat.

22 First of all, my name is Trong Nguyen. I came
23 from Vietnam 20 years ago to be -- to study to become the
24 first Vietnamese geneticist in Vietnam. But, unfortunately,
25 in 1975, after the fall of Saigon, I could not go home,
26 so I had decided to stay in the area to finish my
27 graduate work in genetics at U. C. Davis. And after
28 graduating from Davis, I took one year out to help my

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1 fellow countryman who just arrived in the country. I
2 founded with other Vietnamese student, and newly
3 arrived refugees, the Vietnamese Community Center in
4 Sacramento. We wrote a grand proposal to help Indochinese
5 refugees to look for jobs, to improve their English
6 skills, and housing needs.

7 Afterward, I actually enjoy the process of
8 public -- working for the public and the community so
9 much, that I applied for a Senate fellowship program and
10 got lucky enough and was selected.

11 So, I spent a year as a Senate Fellow working
12 for Senator Bill Greene.

13 I want to backtrack a little bit. In 1976, I
14 also worked with Assemblyman Peter Chacon to introduce
15 AB 3147, which, among other things, to exempt Indochinese
16 refugees after living in California for one year, be
17 exempt from paying nonresident tuition and fees to public
18 universities and colleges.

19 Senator Roberti helped carry that bill on the
20 Senate floor, and Governor Brown signed it into law.
21 That bill helped many of our refugee students to finish
22 their educations and become resourceful members of our
23 California community.

24 Ever since then, I've been very much involved in
25 the community activities. But in 1980, I got tired of
26 being a scientist, so I decided to open -- start a
27 business of my own. With very little money, I started
28 the company called La Boulangerie in Sacramento. And I

1 apparently, as some of you may know, we make a mean
2 croissant.

3 (Laughter.)

4 MR. NGUYEN: Consequently, we have a total of
5 11 stores now. And we're going to open Store No. 12 in
6 a few months. And we employ probably 170 people in this
7 area in our company alone.

8 I have received State, Federal, and Sacramento
9 Chamber of Commerce awards on business accomplishment and
10 community involvement. And I'm very proud -- which I'm
11 very proud of. And by the way, I really believe that,
12 because I came here at 17-years old in the middle of the
13 sixties to go to school, so I'm really a card-carrying
14 Democrat, probably have much of the do-gooder and
15 idealism left over from the sixties.

16 I have worked with all my connections and
17 friendships in the Sacramento area, mainly with Democrats.
18 And Democrats have been tremendously helpful in helping
19 our Indochinese refugees as well.

20 But the reason I'm here today is basically I
21 like to consider myself as an interested bystander
22 who watches the whole process. And I feel that is
23 important for me to get involved again in this political
24 process in our great State.

25 I think, as a refugee, after studying Mr. Lungren's
26 record, mainly from newspaper articles and I was aware of
27 his work back in the early eighties in helping Indochinese
28 refugee assistance programs. I think that this fellow is

1 not bad after all. I mean, many of my Democrat friends,
2 and actually, I hope they will still remain -- will be
3 friends with me after today, think that Mr. Lungren is a
4 bad guy. And I think -- I don't agree with him on
5 many -- his voting records or many other issues. But I
6 have to think that this fellow represent his constituents
7 from Long Beach, so he has to do what his people asked
8 him to do. And I think the process that we put
9 Mr. Lungren through in the last few weeks, I'm sure that
10 Mr. Lungren will always remember it, that there are other
11 people in the State. And they can make the difference
12 as well, especially when we're talking about a statewide
13 politics.

14 So, as an Indochinese refugee, who gets involved
15 with many other Indochinese groups up and down the State,
16 I can honestly tell you that Mr. Lungren has a lot of
17 support from our people.

18 And I really disagree with all the people who
19 think that Mr. Lungren is a racist. I think he's shown
20 his work in Indochinese refugee programs and the
21 Immigration Act, have shown that he has compassion for
22 people, that he's willing to give people a chance when
23 they need a hand. But I don't think he's the kind of
24 guy that would like to hand out a blank check. And for
25 that, I think it's very appropriate for a position as
26 the State's Treasurer. As a businessman, I think that
27 Mr. Lungren has received a great deal of praises from his
28 colleagues who know him much better than I do.

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1 He studied the issue well. He has intelligence,
2 and he has a high degree of integrity, all the wonderful
3 things to be a State Treasurer.

4 I think Mr. Lungren, if he doesn't get the job,
5 he can always be my chief financial officer, and we don't
6 pay much less --

7 (Laughter.)

8 MR. NGUYEN: -- than what we will offer you.

9 CHAIRMAN ROBERTI: Right. The way you're going,
10 it's not a bad offer.

11 MR. NGUYEN: I also like Mr. Lungren's record.
12 My current chief financial officer is not the most
13 popular guy in the company.

14 (Laughter.)

15 MR. NGUYEN: But he's doing a wonderful job for
16 us. So, I think, as a businessman, I firmly believe
17 that Dan will be a good State Treasurer.

18 Now, one last thing that I want to say. As a
19 card-carrying Democrat, I am somewhat worried about the
20 kind of treatment we have been giving Mr. Dan Lungren. I
21 read somewhere in the paper in the last few days that
22 somebody did a poll, and he has two-to-one support margin
23 from the people of California. Now, if this is known by
24 the people that we Democrats -- or the Democrats in the
25 Legislature kill his nomination, I think we're going to
26 give this guy the best name recognition and public
27 sympathy since Humphrey the Whale.

28 (Laughter.)

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1 MR. NGUYEN: And he's going to be very
2 formidable in running for other statewide office, So,
3 I think that all things considered, I'm here to urge you
4 to simply make -- turn him into a State Treasurer. Jesse
5 Unruh didn't go very far as State Treasurer. And it's
6 really up to what he can do as a State Treasurer how far
7 he can go.

8 Thank you very much.

9 CHAIRMAN ROBERTI: Thank you very much, Mr. Nguyen.
10 Any questions? I don't think -- you've stupified us.
11 We have no questions for you.

12 (Laughter.)

13 CHAIRMAN ROBERTI: The next witness is Dr. Joseph
14 Everett, special education counselor, Compton.

15 DR. EVERETT: My name is Joseph Everett. I am
16 registered Democrat in Culver City.

17 CHAIRMAN ROBERTI: Excuse me.

18 DR. EVERETT: However, I am reviewing that
19 political affiliation seriously.

20 I attended the Assembly hearings and I left
21 feeling that I should apologize to Dan; since I taught he
22 and his brother at St. Anthony's, I feel partially
23 responsible for their becoming involved in politics,

24 They were in my debate squad, exceptional. Both
25 he and John were exceptional students in that class. They
26 met all my demands, which were rather strict: Read,
27 analyze, and know what you're talking about when you get
28 up there. Don't take something just because someone wrote

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1 it and say it sounds good, Analyze it, look at it, read
2 it over and over. Don't allow someone to speak for you.
3 Speak for yourself, for your convictions, for those things
4 that you know are right, those things that you have been
5 taught.

6 I was aided in this by Dr. and Mrs. Lungren, who
7 I've known for more than 20 years, because when I hear
8 people talk about Dan being a racist, this is so
9 ridiculous, because there's no way he could have lived
10 in the Lungren household and been a racist.

11 When I was at St. Anthony's High School as a
12 teacher, I was the only black person on that staff. I was
13 welcomed with open arms. There was never any question
14 of race. It was never brought up as an issue. And these
15 things were important to me. When I came to California
16 in 1956 from the University of Notre Dame, I came to
17 Notre Dame High School as a first black teacher. I
18 remained there for ten years as a teacher before going
19 to St. Anthony's and developing another forensic squad.

20 This man has been in Congress for five years -- for
21 five terms. That says something. He must be able to do
22 something right.

23 To hear some of the remarks or to read some of the
24 remarks in the news and to hear some of the remarks that
25 I heard during the Assembly hearing, and this, I tend to
26 cringe. To say anything about Dan's character, his
27 moral turpitude, his sincerity, his integrity, I question
28 seriously anyone. I would like to have anyone who questions

1 these things to prove it.

2 In a phone conversation that I had with Dan
3 prior to the vote for the Martin Luther King holiday, we
4 talked about that day and what our feelings were. And
5 Dan had nothing but praise for the gentleman; that is,
6 Dr. King. I wish many of my own people had the
7 understanding, the appreciation that Dan had for Dr. King,
8 or has for Dr. King.

9 I consider it a pleasure to speak in his favor.
10 Thank you.

11 Any questions?

12 CHAIRMAN ROBERTI: Thank you very much,
13 Dr. Everett? Are there any questions? Senator Petris.

14 SENATOR PETRIS: Well, yeah, I'd like to clarify
15 something. I appreciate your coming here, too, Dr.
16 Everett. But I think we ought to point out that the
17 harsh statements that you heard were made by witnesses,
18 not by this Committee. And I don't think any witness
19 called him a racist. I think that was Mr. Lungren's
20 interpretation and the Chairman promptly rebuked --
21 repudiated any implication that, you know, he is a
22 racist. Nobody up here has said, nor do I expect to hear
23 anybody say that.

24 DR. EVERETT: That was not what he said to me.

25 SENATOR PETRIS: And if it is said, I'm certain
26 that our Chairman will promptly rebuke that person, too.
27 So, I think we have to distinguish between people who
28 desire to testify and come up and express their feelings.

1 And the Committee, which is the official
2 forum for that purpose, you see --

3 DR. EVERETT: I didn't intend that for this
4 body. The other body is what I was referring to.

5 Any other questions? Thank you.

6 CHAIRMAN ROBERTI: No, Doctor, and thank you for
7 testifying.

8 Our next witness, and then we'll take a ten-minute
9 break, and then we'll return, our next witness is
10 Eunice Sato, former Mayor of the City of Long Beach.

11 MS. SATO: He has a flight that he has to make.

12 CHAIRMAN ROBERTI: Oh, then, I'm sorry. Okay.
13 That's Monsignor Gualderon? Miss Sato, then you can wait
14 till after the recess, and we'll take Monsignor Ernest
15 Gualderon, Pastor, St. Anthony's Parish.

16 MONSIGNOR GUALDERON: Thank you. Thank you,
17 Mr. Chairman and members of the Commission. It's a happy
18 privilege for me to be with you this afternoon, actually
19 to just talk in behalf of Dan Lungren.

20 My name is Monsignor Ernest Gualderon. I'm the
21 Pastor of St. Anthony's Church in Long Beach, and I've
22 been there for 18 years. I'm also vice chairman of the
23 five-member board of the Redevelopment Agency in Long
24 Beach. And I think I'm pretty well-known there.

25 And I'm just talking in behalf of Dan Lungren
26 and your care, your concern for him, and the very fact that
27 I honestly feel that he should be recommended for the
28 State Treasurer's position.

1 I have known Dan for more than 15 years. And
2 I've known him as a friend, and I've known him as a person
3 that really needs help from time to time. Our high
4 school is comprised is 52 percent Asian, ethnic group of
5 all kinds, and 48 percent -- and four percent American
6 Indians, and the rest are Anglos.

7 And I'm not in an affluent place. I need a lot of
8 financial help to operate this school of 850 students.
9 From time to time, I've talked to Dan asking for help,
10 not just financial help, but also for assistance in talking
11 our students regarding the various problems that exist in
12 today's society. The drug problem. I've had Dan talk to
13 our students. And also, he's talked to students in other
14 schools in Long Beach regarding the drug problems.

15 He's interested in them. The alcoholic problems.
16 Not only that, but at the same time, he's given
17 assistance to students in various places that could not
18 afford a good quality education. You see, St. Anthony's
19 High School is not a Catholic High School. It's a
20 Christian High School, where we educate children
21 irrespective of race, color, or creed. We do teach the
22 Catholic Faith to those students. But at the same time,
23 irrespective of race, color, or creed, they get quality
24 education. And it's people like Dan Lungren, interested
25 in them, talking to them, that really has a tremendous
26 following of young people in the Long Beach area.

27 He's spoken before students from Wilson High
28 School, Poly High School, which is a complete black area,

1 insisting that they look for further education, and
2 try to avoid the problems that society affords them in a
3 very irreverent manner. Not only that, but he's asked
4 students -- he's asked me from time to time to assist
5 the students of the ethnic group to attempt to go to
6 one of our academies and to be of assistance to this
7 government, this country. Because I look upon him as a
8 loyal American. I look upon him as a man that's honest.

9 I look upon him as a man of integrity, and one
10 who loves his country, loves his community, loves God, and
11 loves his family. He's a real family man. And at the
12 same time, he would not do anything to jeopardize any
13 individual that is in need, because he has a care, the
14 concern, and the compassion that's necessary for us to go
15 on in this life at least living in peace and happiness.

16 He's a man of God and he's a man that loves people.
17 Because when he looks at them, he's looking at the image
18 and likeness of God. And I cannot believe that he would
19 hurt anybody at any time. And that's why if I were
20 picking out a Good Sam, it would be he, right there. You
21 see, three years ago, my dear members of this Commission,
22 we started a hall of fame in St. Anthony's High School.

23 Our school is 70-years old. It's one of the oldest
24 schools in Southern California, And we wanted to select
25 an outstanding graduate that personified a man of God and
26 a man of the people, and a man who is of tremendous
27 assistance not only in the community, but also did something
28 for his country. And the man that was selected for our

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1 hall of fame, which is in perpetuity, is Dan Lungren.
2 And we're so proud of him. He cannot appear on our
3 campus that all kids, ethnic and whatever you want, don't
4 go to him, because of the leadership that he represents
5 to them, coming from a small school in Long Beach.

6 And so that's why I'm here this afternoon asking
7 you to give him your careful concern and assistance in
8 wanting to be a tremendous help to the State of
9 California as the State Treasurer.

10 Thank you very much.

11 CHAIRMAN ROBERTI: Thank you, Monsignor. Are
12 there any questions?

13 MONSIGNOR GUALDERON: Thank you.

14 CHAIRMAN ROBERTI: Thank you. We'll break for
15 ten minutes.

16 (Thereupon a recess was taken.)

17 CHAIRMAN ROBERTI: The Committee will come to
18 order. The next witness is the former Mayor of Long
19 Beach, Eunice Sato.

20 MS. SATO: Thank you, Mr. Chairman, members of the
21 Senate Rules Committee.

22 I'm thankful that you are giving the public the
23 opportunity to give their input to your hearing on the
24 confirmation of the appointment of Congressman Dan Lungren
25 as the State Treasurer.

26 I'm going to spend a bit of my time telling you
27 about myself. I'm Eunice Sata, the former Mayor of
28 Long Beach. I was also on the City Council for eleven and

1 half years. So, I know a little, just a little about the
2 political scene. I'm also a former educational missionary
3 and a former public school teacher.

4 I've been active practically all my life as a
5 volunteer, for the last 30 years in the City of Long
6 Beach. Still very active after I left office in the
7 local community and at the State level.

8 Presently, I'm president of the American Red
9 Cross, Long Beach Chapter, president of the National
10 Conference of Christians and Jews, also of the Greater
11 Long Beach Chapter, which deals with human relations. I'm
12 on the Board of Directors of the United Way, the region
13 of the South Bay Area. I'm a trustee of the St. Mary's
14 Medical Center. I'm sorry. I thought somebody was
15 calling me (speaking of voices in rear of room).

16 I'm also State Board member of the Industry
17 Education Council of California. That is an organization
18 that tries to make education relevant to the work world.
19 I state this, because that is where my interest is, in
20 the welfare, particularly of the young people of
21 California.

22 I'm president of the Southern California
23 Consortium of the Industry Education Council, and the
24 immediate past president of the Long Beach Chapter,

25 I'm also on the California Council of Criminal
26 Justice, and was part of the Gang Violence Task Force.
27 Again, I'm interested in our State, our future, by working
28 with youth. Also a member of the State Advisory Group for

1 Juvenile Delinquency Prevention. And most recently,
2 was put on the Task Force to Promote Self-Esteem and
3 Personal and Social Responsibility.

4 Also, I'm very active in my church. I'm a
5 Methodist. I have leadership positions locally, but
6 also on the California -- Southern California-Hawaii
7 Conference, and working with refugee and immigration
8 issues, and on the Board of Global Missions.

9 I'm going to spend some time on my life and my
10 experience, because I think it is pertinent and apropos.
11 It was mentioned this morning that the Japanese Americans
12 who were evacuated were given six weeks. I was going to
13 San Jose State at the time away from home. I came home
14 on a Saturday and there was only one day left for us
15 to evacuate voluntarily. We had to be out of
16 California by midnight Sunday, the next day.

17 My parents asked us children whether we wanted to
18 go to camp or take off and leave voluntarily. And we
19 said we wanted to leave. We left on a cold night in
20 March. I still remember very vividly the snow-covered
21 mountains of the Sierra. It was moonlight. It was a very
22 chilling feeling, and I still remember it to this day.

23 We went to Colorado, and our life there was
24 not too pleasant, at least physically. You're told about
25 the life in camp. But where we had to go was a barrack
26 out in the middle field in March in Colorado, with snow
27 and all. It's that way. One-room barrack. In the
28 morning, if it rained, there was rain on my bed where my

1 feet were wet.

2 We had no bathing facilities. We bathed in
3 aluminum wash tub. So our life, although we didn't go to
4 camp, was miserable. But I continued to go to Colorado
5 State College of Education and there my other friends'
6 classmates joined me at that institution. They had left
7 the camp in Amache (phonetic), Colorado. So, you know,
8 folks were free to leave. And some did.

9 I grew up during the Depression, went through the
10 War years, the evacuation. But I just mentioned to you
11 that I was the Mayor of Long Beach, the first female mayor,
12 the first Asian. I guess I say this and make a point,
13 because in this country you can do what you set your heart
14 to do. And I feel that's true for anyone in this country.
15 I think that's why this country is so great. You can be
16 knocked down. You can have your liberties taken away, but
17 you don't grumble. You march ahead forward. My two
18 brothers went to fight for our country in Italy. And I
19 think that shows a kind of character in us Asian
20 Americans, Japanese Americans. As I say, I'm thankful
21 to live in this country. And the next statement I'm going
22 to make, I'd rather not, but it's been a subject of
23 discussion too much in this hearing and in the Assembly.
24 that I feel I must make a statement.

25 Congressman Lungren has been condemned for not
26 voting for the \$20,000 individual reparation. The point
27 I would like to make is that, as far as I'm concerned,
28 my liberty cannot be bought or sold. No amount of money

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1 will ever pay back our loss. Our loss -- we had
2 40 acres, a barn, a packing shed, a chicken farm.
3 Testimony earlier said they had to store their things. We
4 didn't have time to store anything. We left in a two-wheel
5 trailer with our bedding --

6 CHAIRMAN ROBERTI: Are you opposed to the
7 reparation bill?

8 MS. SATO: Pardon?

9 CHAIRMAN ROBERTI: Are you opposed to the
10 reparations bill?

11 MS. SATO: I will get to that, Senator Roberti.

12 Two-wheel trailer with just the minimum: bedding,
13 pots and pans, and clothes. Left everything behind and
14 had no time to take care of anything.

15 I feel that no matter what the financial loss,
16 the loss of our liberty is the greatest. And it cannot
17 be paid back by any sum of money. And I would not even
18 suggest that a symbolic gesture is appropriate. I
19 believe that if this country recognizes -- and I hope that
20 an official and well-known apology will take place by the
21 powers to be; that the country will know what happened,
22 and that it will admitted that a sorrowful mistake was
23 made.

24 And to make that stick, not \$20,000 for each
25 individual, which would be theirs and they're free to spend
26 it as they will. And I'm sure they will. They'll find
27 good use for it. But then, it's over. Supposedly you're
28 paid back for your sin with \$20,000. Well, I'm not happy

1 with that. It demeans the very, shall I say,
2 embarrassing for the country, our country to have made
3 that kind of mistake.

4 I think it's important to point out -- it has
5 been already -- that Congressman Lungren was instrumental
6 in getting that Commission started, and he was a member
7 of it, and he was for every part of that, recognizing
8 the error that was made. And the only portion that he
9 was against is the individual monetary reparation. And
10 as I say, my liberty is not for sale. It cannot be
11 bought.

12 He voted for the \$50 million education fund. I
13 hope it is a trust fund so that money will always be
14 there when you and I are dead and gone and the people in
15 Congress are dead and gone, that the education fund will
16 always be there to keep people alert as to what can
17 happen if we are not on the alert, so that same kind of
18 tragic mistake is not made on race, color, or creed, sex,
19 age, whatever, discrimination. I think that will be
20 more lasting. And I'm looking for a lasting answer
21 where the country is held accountable. And I don't think
22 it will be if you just settle for \$20,000. It's going to
23 end there.

24 It's serious enough to maintain that our country
25 will never again make that tragic mistake. Congressman
26 Lungren opposed it. I oppose it. And I have given you
27 my reasons. I suppose he has his. And I will not try
28 to explain his stand. I'm sure he will have opportunity

1 to do that.

2 I am supporting Congressman Lungren and I ask
3 that you Senators and the Assemblymen will confirm his
4 appointment as State Treasurer because, one, he is
5 squeaky clean; two, he is a moral, principled person.
6 He does not smoke. He doesn't drink. And I suppose that
7 gives lobbyists some problems. No carousing. He's
8 a family man, a loving and caring person.

9 He does his homework. He's not capricious or
10 arbitrary. He gets the job done. The job being done is
11 more important than who gets the credit, and I think
12 that's an admirable quality.

13 As Tip O'Neill said of Dan Lungren, "You are one
14 of the most skilled and articulate members of the
15 minority in the House. You never do anything half-
16 heartedly."

17 That's right. He works hard, very hard at
18 whatever issue is at hand. I say he is a statesman,
19 He's respected from both sides of the aisle. He always
20 looks for the most effective and cost-efficient way to
21 address a problem, not the easy, quick-fix answer, but what
22 is best for the country, for the people in the long run.

23 Mr. Lungren is not only responsive, but he's
24 open and accessible to whoever. Some of his opponents
25 have even affirmed that.

26 And the most great quality is that he is
27 responsible. It's easy to be responsive and say, yes,
28 you know, you want this? Yes. But to be responsible and

1 look at the long-term implication for this generation
2 and future generations.

3 The Contra Costa Times has said he is a man of
4 position of principle (sic), rather than of pure
5 politics. And I know how if you are strictly a
6 politician, having been a member of the City Council, Mayor,
7 you can become very political, you know. It's easy to go
8 on emotions, what people come and, you know, give sob
9 stories about their straits. Not to minimize the problem,
10 but I'm saying it's easier to be just responsive. It's
11 something else to be responsive and responsible.

12 Congressman Lungren is honest and clear-thinking
13 and he weighs alternatives, alternatives. That's the way
14 we should all make decisions. Alternatives, weighing the
15 pros and cons; what is the best answer? It's been said
16 many times, many times, he is a person of integrity,
17 unassailable integrity. He's fiscally responsible, I
18 think that's an important characteristic to have as a
19 Treasurer.

20 I will summarize quickly, I think Congressman
21 Lungren is like a diamond. He is brilliant, He is a
22 brilliant statesman. And he shines, He shines as a
23 clean person, principled, honest, clear, sharp, deep-
24 thinking, effective, and responsible leader.

25 Assemblyman John Vasconcellos is quoted as
26 saying, "He's clearly bright enough for the job." This
27 was from the Oakland Tribune.

28 Some testimony was given this morning that he is

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1 not sensitive. Pat Saiki is a Congresswoman, Japanese
2 American Congresswoman in Washington. And she says,
3 quote, "The charge of Dan Lungren being insensitive to
4 Japanese Americans or any other minority is patently
5 false. He is a responsible Legislator who works very
6 hard."

7 If I may quickly quote another. Clarence
8 Patterson, Chairman of the Board of the National Business
9 League. Quote:

10 "You, Dan, are extremely qualified to carry out
11 the important responsibilities of this position," State
12 Treasurer. "Of even greater significance, is the fact
13 that you have earned the respect of both your Democrat
14 and Republican colleagues in Congress for your integrity
15 and your willingness and ability to address issues
16 fairly and effectively."

17 And, Senator Roberti, I hope that the Oakland
18 Tribune has quoted you correctly. You never know about
19 the press.

20 CHAIRMAN ROBERTI: I'll find out in a minute,

21 (Laughter.)

22 MS. SATO: Quote, "He, Dan Lungren, comes from
23 the same background, the same philosophy, the same point
24 of view that Governor Deukmejian comes from." The Oakland
25 Tribune says, and I agree, that most California voters
26 apparently don't find offensive that background,
27 philosophy, and point of view. After all, they reelected
28 Deukmejian by a landslide in 1986.

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1 If Mr. Lungren is not confirmed as State
2 Treasurer, he is not the loser. The people of
3 California will be the loser. Dan Lungren is the best.
4 California deserves the best.

5 Thank you.

6 CHAIRMAN ROBERTI: Thank you, Mayor Sato. Are
7 there any questions? Senator Petris has a question of
8 you.

9 SENATOR PETRIS: I think you made a marvelous
10 and eloquent statement. And if I never need help, I hope
11 I get a witness like you to come to my aid.

12 MS. SATO: Would you like to hire me?

13 (Laughter.)

14 SENATOR PETRIS: I do want to ask about two or
15 three things, though.

16 I support the reparations part, and as you know,
17 a lot of witnesses came in and criticized the Congressman
18 for that. And, obviously, you differ. Do you suppose
19 your experience, which was harsh enough, on the voluntary --
20 so-called voluntary evacuation, you suppose your reaction
21 would have been different if you had been in the camps
22 instead of outside of them, considering the fact that
23 there barbed-wire fences, there were towers, with military
24 with weapons, had all the features of a prison camp. And
25 really, not so much freedom to go and come as you please.
26 I know that they let some of the young people go off to
27 school.

28 MS. SATO: Or to work.

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1 SENATOR PETRIS: But -- or to work, depending on
2 where and so forth. But the parents couldn't go off
3 with them. Do you suppose that you might have a
4 different viewpoint on that question had your family
5 been in the camp instead of out, even though you lost
6 everything?

7 MS. SATO: I think it's a good question. Our
8 loss, monetary loss was equivalent or more than those who
9 stayed behind and stored their properties, et cetera.
10 The other part is the civil rights that we were deprived
11 of. Right whether they were in camp or us having to
12 leave California, our homes, and our properties. And
13 that is why I think it's something that cannot be paid
14 back in dollars. I don't go for this symbolic gesture.
15 I think you have to have a contrite heart. You have to
16 have a contrite country, repent, and make sure it doesn't
17 happen again. And the only way to do that after you and
18 I are gone, is to have this fund, a trust fund I hope,
19 where you have funds to keep educating people, to keep
20 them alert.

21 SENATOR PETRIS: Did any of your family get sick
22 when you were up there in Colorado? Did you have to go
23 see a doctor?

24 MS. SATO: Not that I know of. We're a healthy
25 family. All we have is aspirin in the house.

26 SENATOR PETRIS: I can tell from looking at you,
27 you're a healthy family all right.

28 (Laughter.)

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1 SENATOR PETRIS: Were there doctors available
2 in that community where you were living?

3 MS. SATO: I imagine there was. We didn't need
4 one.

5 SENATOR PETRIS: You never had occasion to find
6 out. Well, the reason I ask is we had a witness this
7 morning that testified that her brother got pneumonia, was
8 not able to get medicine, wasn't even able to get a glass
9 of milk, and died. And there's a book written that I
10 referred to this morning called, "And Justice for All,"
11 written by a Japanese American who went through at, and
12 who describes the plight of certain individuals who
13 tell us about some people who died in the death -- in the
14 internment camps, because medical assistance just wasn't
15 available.

16 And one of them that had several thousand
17 inhabitants, there was one doctor to serve the entire
18 group. And that was not someone that the government hired
19 and assigned to live there. The doctor had to be brought
20 in from outside to offer medical assistance. Now, I don't
21 remember whether that was the case in every one of the
22 internment camps, but at least in this one that I
23 remember, it was a particularly sad situation described in
24 this one chapter, and there were others referred to.

25 So this -- you said you were free to leave. I
26 don't think you meant it in a broad, general sense. I
27 think you meant the youngsters were free to leave to go
28 to school. Is that what you meant?

1 MS. SATO: Or to work,

2 SENATOR PETRIS: Or to work.

3 MS. SATO: They were free to work.

4 SENATOR PETRIS: But they weren't free to get
5 medical care, nor did they have adequate medical care
6 available.

7 MS. SATO: I think it depends where the camp was
8 located, what community, and it could very well be.

9 SENATOR PETRIS: Well, let's say it only happened
10 in one camp. Isn't that one too many?

11 MS. SATO: Yes.

12 But do you pay back that great loss, loss of life,
13 one father died, right? I don't think --

14 SENATOR PETRIS: Well, many fathers died.

15 MS. SATO: Well, yes. And not just fathers, but
16 other people. Could be infants for that matter, But
17 do you pay back a life with dollars?

18 SENATOR PETRIS: Well, I don't think the purpose
19 is to say you're paying it back. I know that in some
20 cultures, in the Native American Indian culture, there are
21 some of the nations who don't believe in any kind of
22 compensation. And I respect that. But in our American
23 tradition, that's the form that we have adopted over the
24 years.

25 Now, you don't have to. For example, if you go
26 home tonight and the police come into your home at
27 midnight without a warrant and haul you off to jail, and
28 keep you there for 24 hours or a week or six months, no

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1 trial, no due process, no nothing, most people in that
2 situation, once they got out, would file an action for
3 false imprisonment, for abuse of process, and whatever
4 legal remedies available.

5 It doesn't mean that they have sold their
6 liberty and are now going to accept the judgment of the
7 court in whatever amount or a settlement. It's the
8 notion that it teaches others that this is not the way
9 government for police should operate. And, you know, it
10 has a lot of other beneficial side effects that are
11 secondary to the actual payment of the money.

12 So, I'm not arguing with you or quarreling, but
13 I'm trying to explain that we have evolved this particular
14 method, good or bad. Some people don't believe in it.
15 That's fine.

16 I don't -- I don't like to see it characterized
17 as the sale of their liberty. I don't think any of the
18 Japanese Americans with whom I have spoken or who have
19 written to me, and who favor reparations, look upon it as
20 a sale of their liberty. Do you think that's the way
21 they see it?

22 MS. SATO: I can't speak for the others. I'm
23 speaking for myself. But as far as the -- being taken to
24 jail, et cetera, the example you cited, no, I'd rather
25 not -- I would rather not sue. I would rather see that our
26 Chief of Police wouldn't let that happen again. That
27 would make me happier than any amount of money.

28 SENATOR PETRIS: Well, of course, that's one of the

1 purposes of the lawsuit. See, in recent
2 demonstrations --

3 MS. SATO: It doesn't keep people, police and
4 other people from doing things like that. Maybe it
5 makes some difference, but it doesn't --

6 SENATOR PETRIS: It'll keep the ones who did
7 it from doing it.

8 MS. SATO: -- guarantee --

9 SENATOR PETRIS: If he still has a job.

10 MS. SATO: But if it's going to be a lesson, it
11 really isn't too much of a lesson. And I think that this
12 serious mistake cannot happen again.

13 SENATOR PETRIS: Well, let me give you an example.
14 In Washington, D.C. within the last two or three years,
15 I forget the date, there were some protests and
16 demonstrations, peaceful. Police swooped down, arrested
17 a large number, incarcerated them for 24 hours.

18 It turned out that the police were acting in
19 error in violation of some law, and that they shouldn't
20 have done it. There were massive lawsuits filed. I
21 think the average amount given to each person was
22 \$1200. \$1200 for 24 hours. Now, you compare that to
23 four years, it makes the 20,000 look very, very tiny in
24 comparison.

25 And there, again, I don't think the people who
26 were involved in those demonstrations in Washington, and
27 who participated in the lawsuits, viewed that as I'm
28 putting my liberty on sale and I'll let you buy it for

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1 \$1200. Maybe in advance, they would.

2 Maybe if somebody came to me and said, "I'd like
3 to confine to a closet for 24 hours. Would you accept
4 \$1200?" Maybe I would. That's not bad. That's more than
5 I make as a Senator. You know, I don't think that most
6 people view really that decision as a deliberate sale of
7 their liberty.

8 Well, we can disagree with that. That's all right.
9 Now, you said a lot of nice things about the Congressman,
10 and I have said some things, too, at the opening. And
11 I'll repeat them.

12 I think the things you quoted about his eloquence,
13 and his thoroughness, and his devotion, and his being
14 articulate, and never doing anything half-hearted, and so
15 on and so forth; he's bright, he certainly is a good
16 American who loves his country and his family and so
17 forth. That's all stipulated to.

18 As a lawyer, we like to flesh out maybe some
19 biases people have. I can't help but note that your
20 daughter worked for the Congressman at one time, maybe
21 now. Did she ever work for him at any time? If that's
22 true, I wonder if that helps color your viewpoint?

23 MS. SATO: I don't think so. She's an adult and
24 I have no control over her life.

25 (Laughter.)

26 SENATOR PETRIS: I'm not talking about control
27 over life. I'm talking about attitude toward a nice guy
28 who is an employer of your daughter.

1 Let me put it this way. If he had employed my
2 daughter, I would have some kind of warm feelings toward
3 him, even though I might argue at the family table with
4 him on philosophical questions. I would have a warm,
5 friendly feeling toward him.

6 Now, that's probably the case in your situation.

7 MS. SATO: Well, I get my positive feedback from
8 the school district administrators who would go to
9 Washington to see Mr. Lungren. And they would come back,
10 and I see them every once in a while. And they tell me
11 what a fine job Dan is doing in terms of responding to
12 the school district needs.

13 SENATOR PETRIS: But your daughter's never told
14 you anything --

15 MS. SATO: No.

16 SENATOR PETRIS: -- about what a nice guy he is,
17 huh?

18 MS. SATO: No.

19 SENATOR PETRIS: You hear that Congressman?

20 (Laughter.)

21 MS. SATO: He was never a subject of conversation,
22 good or bad.

23 CONGRESSMAN LUNGREN: Senator, could I just
24 interject? One of the things I'm most proud of is that
25 Eunice Sato was willing to come and support me, even though
26 on one occasion I did not support her for reelection as
27 she recalls.

28 MS. SATO: You didn't!

1 (Laughter.)

2 SENATOR PETRIS: We will now give an opportunity
3 to retract, Congressman.

4 (Laughter.)

5 SENATOR PETRIS: Okay. Those are the questions I
6 had. And I thank you for your appearance.

7 CHAIRMAN ROBERTI: Thank you very much, Mayor
8 Sato.

9 Our next witness is Mr. Nil Hul, Executive
10 Director of Cambodian Business Association, Long Beach.
11 Mr. Hul, very nice to see you again.

12 MR. HUL: Thank you, Mr. Chairman. Good
13 afternoon, honorable members of the Committee.

14 My name is Nil Hul. I am the Executive Director
15 of the Cambodian Association of America in Long Beach,

16 I am here today to testify in behalf of
17 Congressman Dan Lungren, whom I have known and worked
18 with for the past five years.

19 In my capacity as a leader in the Cambodian
20 community in Long Beach, I have been in frequent
21 contact with Congressman Lungren. And I was received
22 with gracious hospitality anytime I wanted to see him.

23 He visited us in our community and church. He and
24 his staff have always been available, oftentimes in a
25 very short notice, to our social, cultural, and religious
26 events and functions.

27 As our elected representative at the federal
28 level, we always found Dan Lungren to be concerned what

1 we should receive the support necessary to meet the
2 challenges in this new society.

3 He worked to seek funds for the continuation
4 of refugee assistance in order to provide language
5 training, job skills, health access in our community.

6 Furthermore, he was aware of our plight and
7 concerns. Last year, the Congressman's staff have
8 arranged to get various U.S. State Department officials
9 involved in the refugee matters to meet with the
10 Cambodian leadership in Long Beach.

11 As you are aware, our culture has a deep sense
12 of family unity and togetherness. Family separation has
13 been very, very difficult for us. We are worried about
14 the fate of those still left behind in the Thai camps.
15 Those meetings arranged by the Congressman's staff with
16 those top officials were extremely useful and meant a lot,
17 a lot to us.

18 We were able to discuss the issues and give our
19 input directly to those top officials concerning U.S.
20 policy towards Cambodia, protection measures for refugees
21 in the camp, family reunification, and admission criteria
22 for the long stays in Thai camps, et cetera.

23 One of the top officials who came and visited
24 with us was Ambassador Johnathan Moore, who listened
25 carefully to our concerns and took notes back. Chief
26 among those concerns are our interest and willingness to
27 assist in the resettlement and sponsorship of Cambodian
28 orphan children living in the border camp, 2,000 of them,

1 Those orphans, whose parents were murdered by
2 Pol Pot regime. The assistance and encouragement
3 Congressman Lungren has given in these matters are one
4 of the reasons why I am here today to speak for him, and
5 to support him.

6 We are new arrivals in this great country. I am
7 thankful for that. But we don't have yet a strong voice.
8 But in Mr. Lungren, we have found someone who speak for
9 us and act as our messenger to his colleagues in the
10 United States Congress in our behalf.

11 I found Dan Lungren to be compassionate and
12 sensitive to our needs. And I'm making a fervent appeal
13 for his confirmation as the California State Treasurer.

14 Thank you.

15 CHAIRMAN ROBERTI: Thank you very much, Mr. Hul.
16 Are there any questions?

17 There are no questions. We appreciate the fact
18 that you came with us.

19 The next witness is Mr. Bill Barnes, Dean of
20 Long Beach City College.

21 CONGRESSMAN LUNGREN: He is not here. He missed
22 his plane.

23 CHAIRMAN ROBERTI: The next witness is
24 Mr. Frank Rodriquez, President of the Metal Trades Union,
25 Long Beach Shipyard.

26 MR. RODRIQUEZ: Mr. Chairman, members of the
27 Committee. Due to the lateness of the hour and the fact
28 that I forgot my speech at the hotel, we will go from

1 there.

2 (Laughter,)

3 MR. RODRIQUEZ: My name is Frank Rodriquez. I'm
4 president of the Federal Employees Metal Trades Council,
5 Long Beach Naval Shipyard.

6 We represent approximately 4,000 -- three to
7 four thousand of the 5600 people at the shipyard.

8 I first became acquainted with Dan Lungren
9 approximately nine, eight, nine years ago. I don't know
10 if Dan remembers. It was at a picnic out at the naval
11 shipyard. Dan came up and said my face was familiar,
12 but he didn't know who I was. He chatted with me, and
13 offered me help at that time with any workload problems
14 that we may encounter at the shipyard.

15 Since that time, as you are aware, the shipbuilding
16 industry or ship repair industry in the country has
17 steadily been declining. The workload at our shipyard
18 has also been declining. It seems like on a yearly
19 basis we're down at the Congressman's office begging for
20 help in order to get more work. In the years that we've
21 been going to Dan for help, he has never refused to help
22 us. He has always paid particular attention to our
23 problems. And so far, we've been successful.

24 If we call one of the organizations and say we'll
25 at Long Beach, we have a particular problem, if we need
26 to say Dan, he will make himself available. If we do not
27 need to see Dan, then we will normally see an office staff,
28 his aide that handles the Defense Department. And like I

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1 say, never once have we been turned down. That is my
2 reasons for supporting Dan Lungren. And Dan has never
3 asked for anything in return.

4 Thank you.

5 CHAIRMAN ROBERTI: Thank you very much, Mr.
6 Rodriquez.

7 The next witness is Mr. Steve Nakashima, an
8 attorney.

9 MR. NAKASHIMA: Thank you for the opportunity of
10 making my presentation in favor of Congressman Lungren.
11 My name is Steven Nakashima. I'm from San Jose. I'm
12 an attorney, and I'm also a Certified Public Accountant.

13 I refer to the latter profession, because I can
14 understand the term fiscal conservative as it applied to
15 Congressman Lungren. And you never heard of or saw
16 any confrontations of problems at the School of Business
17 at Cal in sixties or the School of Engineering, because
18 most business school students were on the conservative
19 side.

20 I went to Poston, Arizona in 1942. Unlike
21 Mrs. Sato, we went to Poston 3. There were three camps
22 there. Poston 1 had 10,000 Japanese Americans. Poston 2
23 had 5,000 Japanese Americans. And I was in Poston 3
24 where 5,000 additional Japanese Americans were incarcerated.

25 I was there for one year. I was not a two-year
26 old or a ten-year old. I'd finished junior college. I
27 was 20-years old. I stayed for one whole year. So I know
28 what went on in the camps. I know what camp life was

1 like. Actually, I thought very frequently about the
2 diet we had there. Perhaps I should go back to it. My
3 waist was 29 inches then.

4 I remember my father never liking Spanish rice
5 after we left camp. And the reason was because all
6 Japanese groups had rice, and anytime rice was left over,
7 they poured catsup on it, stirred it up, and served it as
8 Spanish rice. And so we had it so frequently, that he
9 couldn't look at Spanish rice in the face.

10 I relocated to Cleveland after one year in the
11 camp, and then went to the Army, and went to Cal. So,
12 I think I know a little bit about camp life and what we
13 went through.

14 I wrote to the President, President Reagan on
15 October 7th, 1987, requesting that he not veto, but sign
16 HR 442 and SB 1009 into law. I requested it because I
17 felt that it was high time that something had to be
18 done. Remember, we were put in camps in 1942. Most of us
19 left in 1945. My parents and my family. It was 40
20 years, 35 to 40 years after we left camp that the question,
21 the issues concerning the internment came up, not by my
22 generation, Nisei, but by the children, the Sonsei of the
23 Niseis who went to camp.

24 Like many young people, they did not -- the Sonseis
25 did not have to suffer and work as hard as most of you
26 gentlemen and most of us. You have to have some cause
27 to work for. And they found this as a cause; so, some
28 35 to 40 years after we left camp, during which period

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1 nothing was ever done, nothing was ever said, and then
2 this internment issue came up.

3 I received a reply to my letter this month, some
4 three and a half months later, signed by Anne Higgins,
5 Director of Correspondence. I felt rather insulted,
6 because she said that -- she referred to the 1948
7 Japanese American Evacuation Claims Act and said that we
8 had been compensated for our losses. I remember quite
9 vividly what took place, because in 1948, I was just
10 starting law school and I received a blue form to apply
11 for the losses that we suffered.

12 The Evacuation Claims Act form, I filed for
13 \$470 worth of losses that I could think of. I forgot
14 to put my biggest loss, which was a car, my first love,
15 the only car I ever had. I lost it.

16 A few months after filing the claim, I received
17 a letter -- form letter -- saying, "We have so many
18 claims, we're not going to be able to process them. If
19 you'll accept ten cents on the dollar, we won't question
20 anything and we'll pay you right away."

21 I discussed this with several of my friends, and
22 we all agreed, "Let's get the 10 cents on the dollar, and
23 get the money and forget the whole thing, because we're
24 not going to -- we may not even live long enough to see
25 it if we were to wait for our full claim."

26 So, I received a check for something like \$47,
27 That was the extent of the settlement of all my loss,
28 \$47. And Anne Higgins had the guts to come out and say that

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1 we had been compensated, I was rather insulted, I
2 feel very strongly about this.

3 I support this civil liberties act of 1987,
4 including the compensation portion. And I'll tell you
5 why. If you want the \$20,000, you have to apply for it.
6 Each person must apply for it. If you don't want it, don't
7 apply.

8 You don't have to get it if you don't want it.
9 Further, I'm going to apply for it, then I'm going to
10 donate it -- I'm going to donate it. My wife has said
11 the same thing. We're going to donate it to some cause.
12 It's not the money part, but we feel that it is a
13 significant part of the whole bill.

14 This is one area that I don't agree with
15 Congressman Lungren, but that's nothing compared to the
16 loss that this State will suffer if we don't have him
17 as the Treasurer. You know, the compensation part is
18 nothing.

19 Let me tell you something else. When Dan Lungren
20 decided to run for Congress, he had a young lady who
21 told him, "I'm going to campaign for you." She gave him
22 one of the first checks, about a \$5.00 check for his
23 campaign.

24 That was Charlotte Sato, daughter of Mrs. Eunice
25 Sato. She walked the precincts for him. When he was
26 elected, she went to Washington with him. One day, when --
27 in Washington, she asked him, "Do you think you could
28 support this redress bill, the reparations bill that is

1 being discussed right now by the Japanese Americans?"

2 He said, "What's that?"

3 And he received an education from Charlotte Sato.
4 Remember, Dan is 41-years old. He was born in '46, 1946.
5 So for several years. he had no idea as to what had
6 taken place in 1942 to the Japanese people.

7 And after she told him all about it, he says,
8 "My God. Terminal Island is in my district." Reference
9 to Terminal Island was made because in Terminal Island,
10 they were given one day to get out. Now, I don't know
11 if you've seen the movie or the play, "Fiddler on the
12 Roof."

13 I went to see it. I think it is a beautiful
14 movie. And it was very pathetic when the Jewish people
15 in this Russian village were given three days to vacate
16 and get out and to move. And it was very sad. Then I
17 thought of Terminal Island, because that was one day.

18 Well, Dan Lungren got an education. And he and
19 three others got together and they submitted the bill
20 to form the Commission on Wartime Relocation and
21 Internment of Civilians. back in '81 or '82. Now, he was
22 instrumental in pushing this legislation through, because
23 he was concerned and upset about what had happened to
24 the Japanese Americans back in '42.

25 Therefore, the fact that he served on the
26 Commission as the only Congressman, and only person from
27 both Houses, is not pure accident. It was his desire to
28 do what he could to right a wrong. He also felt that it

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1 was important to educate the public, because he, himself,
2 who lived right in the midst of all this didn't know about
3 it, and he felt that a public education was necessary.
4 And, therefore, part of the findings and part of the
5 bill provides for \$50 million for public education. That's
6 Dan's provision, because he felt the rest of the country
7 should not go without knowing about it.

8 The fact that he was against the compensation
9 part stems from his fiscal conservatism. This should not
10 be taken into account as far as this particular position
11 is concerned. It has absolutely nothing to do with it.

12 In fact, if Dan had -- if Dan Lungren had signed
13 and said, "Okay, fine. I'll go along with a \$20,000
14 compensation," I would guarantee you that he would not have
15 seen one single Japanese American here in opposition to
16 his nomination.

17 And every Japanese American paper, the Pacific
18 Citizen and the other vernaculars use the term racist,
19 not the publications themselves, but those activists
20 who, because of his position on the \$20,000 compensation,
21 says he did it because he's a racist and he's against the
22 Japanese. That's not true. That's an absolute falsity,
23 And taking it out of context like that, I think does a
24 disservice not only to the State, but to the individuals
25 who make that statement.

26 I won't go into the part that has been discussed
27 previously about bills which have good parts and bad
28 parts. So you don't want the bad parts, so you go against

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1 it, and now the whole thing is held against you.

2 That's been discussed quite thoroughly here.
3 However, perhaps I should mention also the fact that
4 I belong to the Japanese American Citizens League. I was
5 national vice president in 1978 through 1980. I was
6 president of our local chapter in West Valley, San Jose.
7 I was against the compensation portion of the redress from
8 the beginning. However, about four or five years ago,
9 I changed my view. I know that there are a number of
10 Japanese Americans out there who support Dan Lungren in
11 spite of his position on compensation.

12 An example of taking things out of context is
13 the Walter McCarren Act of 1952. The Japanese American
14 Citizens League supported that particular act, because,
15 among other things, it provided for the naturalization
16 of Japanese immigrants who were denied that right. But
17 other minorities were against, because it provided for
18 unfair quotas. The Japanese American Citizens League
19 still is criticized for that action in 1952, just because
20 they wanted to get something which would provide
21 benefit to some of their people.

22 1942, Mike Masaoka, probably the most outstanding
23 Japanese American leader, urged all of us to go peacefully
24 and listen to the government and not to create any
25 problems. I don't know of one single incident of
26 opposition or disruption or violence when we were sent to
27 the camps. He is still criticized of having sold the
28 Japanese Americans down the river in 1942. But he is

1 criticized by a small activist minority. He is
2 supported by a vast majority of the people who say that
3 he was right. And we still support him.

4 Almost every publication that I have seen, the
5 editorials, approved Governor Deukmejian's appointment.
6 Many of them refer to the fact that he did oppose the
7 compensation portion of the redress bill and, as a result,
8 has opposition from the Asian and Japanese American
9 communities. But, in almost every situation, they say that
10 this should not be taken into consideration as far as
11 his confirmation is concerned.

12 I say almost every major newspaper. I understand
13 that the Sacramento Bee did not support him, but then I
14 don't consider -- I don't think very much of the
15 McClatchy Newspapers anyway. because of what the founder
16 did many, many years ago to the Chinese and the Japanese
17 during the immigration period. He is one of the most
18 antioriental persons that this State had ever had. And
19 as a result, I have not considered to be much of a paper.

20 It's hopeful that this Committee will confirm
21 Congressman Lungren's appointment without resorting to
22 partisan politics. With reference to Dan Lungren's
23 nomination, the San Jose Mercury News, in its editorial
24 of December 15th, 1987, stated, quotes:

25 "So far, the Democratic leaders in
26 the Legislature, Senate President Pro Tem
27 David Roberti, and Assembly Speaker Willie
28 Brown, have taken the statesmanlike course,

1 not the political one."

2 There's no question that partisan politics will
3 weigh very heavily in this matter as in all matters
4 presented to both houses. However, I do hope that the
5 statement in the San Jose Mercury News editorial page will
6 prevail, and that not only will the leaders in both
7 houses, but other members of both houses take a
8 statesmanlike position.

9 As a member of the Japanese American Citizens
10 League, the Japanese American community, and as a
11 citizen of the State of California, I strongly urge the
12 confirmation of Congressman Dan Lungren.

13 Thank you very much. If you have any questions,
14 I shall be happy to try to answer them.

15 CHAIRMAN ROBERTI: Thank you very much, Mr. Nakashima.
16 Are there any questions? I don't think there are any
17 questions.

18 MR. NAKASHIMA: Thank you very much.

19 CHAIRMAN ROBERTI: The next witness is Mr.
20 John Sonneborne, a senior citizens advocate.

21 MR. SONNEBORNE: Thank you, Mr. Chairman. I'm not
22 an attorney, sir. I'm a senior citizen and proud of it,
23 and I'll be very short in my comments.

24 It would be very presumptuous of me if I would
25 compare Congressman Dan Lungren with the bellringer of
26 senior citizen activities, one of your colleagues, Senator
27 Mello. I will not attempt to do that.

28 I do not know the Congressman very well. I just

1 met him last evening. But I do know his work in the
2 field of senior citizen work.

3 My senior citizen friends throughout Long Beach,
4 Palos Verdes, Seal Beach, and so on have reelected the
5 Congressman five times. And there are three reasons that
6 I want to stress why the senior citizens are so proud
7 and reelect Congressman Dan Lungren.

8 In 1981, there was a bipartisan commission formed
9 to look into the debacle of the Social Security system.
10 This bipartisan commission had amendments, that one of
11 them, which was a very significant amendment by
12 Congressman from Texas, Pickle, who was a bellringer --
13 and still is bellringer for the senior citizens -- had
14 an amendment which the Congressman voted for, which
15 saved the Social Security system from bankruptcy. And it
16 made adjustments in the wage ceiling and the Social
17 Security tax base.

18 And these were incorporated in the Social
19 Security amendments of 1983. Congressman Lungren supported
20 and voted for that amendment called the Pickle Amendment.

21 Number two, 1985, Congressman Lungren voted
22 against a COLA freeze amendment on Social Security and
23 Veterans Compensation. That amendment had the support,
24 which he voted against -- had the support of California
25 Congressman Leon Panetta. Fortunately, it was defeated
26 on a vote of 56 to 372.

27 The third and personal one to me why a lot of the
28 senior citizens in the area are supporting Dan Lungren

1 and love to support him, is that I can appraise him as
2 an ex-management employee on his ability to run a good
3 shop and as administrator in both his staff offices, both
4 in Long Beach and in Washington.

5 When the senior citizens-- and I've been one of
6 those -- have called in to get a problem, be it Social
7 Security or a problem in Medicare, or an IRS, whatever
8 it might be, the response we get from his offices, whether
9 it be from Long Beach or in Washington, is beyond
10 reproach really. I call it, which is atypical of a lot
11 of Congressmen and a lot of people in California, one-stop
12 service. It's not a matter, "Oh, yes, your name is
13 John Sonneborne, and what is your number, and we'll have
14 someone get back to you," and then forget it. And this
15 is typical. A lot of us give the senior citizens second-
16 class service.

17 Congressman Lungren's offices in both Long Beach
18 and in California give us one-stop service. And really we
19 appreciate that. And that's why we say Dan Lungren, from
20 the senior citizen's standpoint, is our man.

21 Thank you, sir.

22 CHAIRMAN ROBERTI: Thank you very much,
23 Mr. Sonneborne. Any questions? Seeing none, thank you.

24 MR. SONNEBORNE: Thank you, sir.

25 CHAIRMAN ROBERTI: The next witness is
26 Dr. Jerome Unatin, Torrance.

27 DR. UNATIN: Good afternoon -- good evening.
28 My name is Jerome Unatin. I am a physician who has been

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1 practicing orthopedic surgery in the South Bay Area
2 of Los Angeles for the past 17 years.

3 During this time, I've been very involved with my
4 profession and in the community. And because of my
5 involvement and because I care, and I'm concerned, I
6 welcome the opportunity to come here and say a few words
7 in support of Congressman Lungren.

8 During my past eight years -- during these past
9 eight years when Congressman Lungren has served as my
10 Congressman, I've had the opportunity to work with him on
11 many issues of mutual concern. I've served as president
12 of the Los Angeles County Medical Association, the Southwest
13 District, for two years, and I had for further two more
14 years as president of the Los Angeles County Jewish
15 Federation Council, Southern Region.

16 And the for the past eight to ten years, I've been
17 an active member of the Community Relations Council of
18 the Jewish Federation Council of Los Angeles. Dan Lungren
19 has always shown himself to be very receptive in
20 discussing all aspects of issues which were of concern to
21 us. I've known him politically and professionally, and
22 have found him to be extremely fair, honest, and
23 especially well-informed. We have not always agreed on
24 all issues. But I have found in my life, as I'm sure
25 most of you have, that sometimes you can tell more about
26 an individual when he disagrees with you than when he
27 agrees with you.

28 Integrity and compassion have been two very

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1 important aspects which I feel he demonstrates. I
2 remember one incident two years ago that insulted not
3 only the entire Jewish community, but all of the victims
4 of the Nazi holocaust. It was that infamous visit that
5 President Reagan made to the Bitberg Cemetery.
6 Congressman Lungren supported a resolution suggesting
7 that the President not do it. As you remember, it was a
8 very emotional issue, and it required a great deal of
9 sensitivity.

10 He has spent a great deal of time and energy within
11 our community working on another subject of deep
12 emotional, moral, and ethical concern, that's human
13 rights. He's worked with the Commission on Soviet Jewry,
14 and adopted a refusenik family in the Soviet Union.

15 He attempted to visit them when he was in the
16 Soviet Union and has made many active and effective
17 efforts on behalf of Soviet dissidents and refuseniks to
18 immigrate.

19 The family he adopted, the Vashinsky family,
20 has two children similar to the ages of the Lungrens.
21 And I'm pleased to report that with his help I understand
22 that the Soviet Union has recently given them permission
23 to immigrate to Israel.

24 Representative Lungren traveled to the Soviet
25 Union with Representative Barnie Frank from Boston to
26 accompany Elena Bonner home from her eye surgery here in
27 the United States. You might ask the question, why does
28 an Eastern liberal Democrat from Boston ask a Western

1 conservative Republican to join him on such a trip?

2 And the obvious answer is to show that human
3 rights, basic ethical values which are important to all
4 of us, are nonpartisan.

5 I feel that Congressman Lungren has served as an
6 effective and honest Congressman. And in my humble
7 opinion, in the matter of personal integrity, character,
8 and competency, and in the real honest-to-goodness
9 compassion, Dan Lungren deserves to be confirmed as the
10 State Treasurer. Thank you.

11 CHAIRMAN ROBERTI: Thank you, Dr. Unatin. I'm
12 happy to have you with us again.

13 Are there any questions?

14 The next witness is Mr. James Moriarty, a
15 veterans advocate.

16 MR. MORIARTY: Mr. Chairman and Senators, I'm here
17 to represent myself as a veteran and a retired person that
18 was a patient in the Long Beach Veterans Hospital, and
19 there was a very, very serious problem which required
20 political attention. I'm a life long Democrat, and we
21 appealed to Dan Lungren for his help to keep the surgical
22 teams and doctors in place so that they could take care of
23 the tremendous need that was there at the time.

24 He not only responded to that, he made a personal
25 visit to the hospital. He visited with the doctors; he
26 visited with the patients; he visited with the his staff,
27 and even with considerable resistance from the Veterans
28 Administration of Washington, he was very, very helpful to

1 us. And I am proud to say, to this day that program is
2 still there to serve that strong need that takes place
3 at that point.

4 I didn't know Dan Lungren till I went to
5 Washington to meet him. When I did meet him, he helped
6 us tremendously. I'm very impressed with him, and I
7 strongly recommend him.

8 CHAIRMAN ROBERTI: Thank you very much, Mr. Moriarty.
9 Are there any questions? Seeing none, thank you.

10 The next witness is Mr. Harold Trutner, also a
11 veterans advocate.

12 MR. TRUTNER: I don't belong to any official
13 organization. I am the State Commander of the California
14 Veterans Ad Hoc Grievance Committee.

15 I don't know Dan Lungren. I don't know anything
16 about him, except he's a pretty good-looking fellow.
17 That's all. I'm not down here talking about his
18 qualifications, et cetera, et cetera, et cetera. I am
19 responding to this article which appeared in the Sacramento
20 Union 1/5/88.

21 "Among organizations lining up against Representative
22 Dan Lungren's nomination as State Treasurer is the
23 vigorous Asian Bar Association of Sacramento. President
24 Curtis Nama (phonetic) decries Lungren's opposition
25 to reparations for Japanese Americans wrongly imprisoned
26 during World War II and other issues important not only
27 to the Asian Pacific community, but to all minorities:
28 women, the elderly, the disabled, the poor." It's quite a

1 law firm over there. It's quite a law firm.

2 I responded -- this Nama -- I'll leave out a
3 lot of these details. I came down here packed with --
4 I'm going to change the strategy the last minute. I don't
5 think all this other stuff I have here is relevant to
6 the overall picture here.

7 I responded to this particular article here.
8 The Asian Bar Association went back. They did a little
9 more research. Curtis Nama advertised the fact they have
10 over a hundred attorneys over there. And I told Curtis
11 if you ever run short of attorneys, be sure to turn the
12 yellow pages of the telephone book to pick up additional.

13 So, he did further research work and he came
14 up with this article here about Lungren and his voting
15 against reparations, blah, blah, blah. And this thing
16 will go on forever.

17 And looking this whole thing over, I can go back
18 to the old days when my dad served with McArthur in the
19 Philippine Islands and Wainwright. I can -- I know
20 Nick Petris; he's a very good man. Incidentally, a
21 graduate of McClemons (phonetic) High School, an honor
22 student. But let's get off all that stuff there. I
23 challenged a lot of those things, but let's give up the
24 reparations deal. And I think what Congressman Lungren
25 proposed I think is a pretty good idea. And let's go ahead
26 with it, and let's put this show on the road. Okay?
27 That's all.

28 CHAIRMAN ROBERTI: I'm for that.

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1 SENATOR CRAVEN: We veterans know how to say
2 things.

3 CHAIRMAN ROBERTI: Well, you certainly have
4 stated a point, Mr. Trutner.

5 (Laughter.)

6 CHAIRMAN ROBERTI: We have a couple of
7 opponents. I think we'll break for five minutes, and
8 then we'll have to take a couple of opponents, and then
9 the floor will be open to -- we'll take a couple of
10 opponents, and then Congressman Lungren will be able to
11 conclude, and then the floor will be open to motions.

12 (Thereupon a brief recess was taken.)

13 CHAIRMAN ROBERTI: We now have some opponent
14 witnesses who we put off until we heard the list of
15 proponents. We'll pick up at -- we have six more
16 witnesses. And we'll take them in this order:

17 Mr. Jack Harris, Mr. Richard Criley, Leslie
18 Wiggins, Jim Evans, Cruz Reynoso, and Mario Obledo.

19 Jack Harris.

20 MR. HARRIS: Thank you. I'm Jack Harris. I'm
21 president of the Japanese American Citizens League on
22 the Monterey Peninsula, but I will not tell you about
23 experiences in camps, because I don't know any, except
24 for those that I've heard from our members.

25 I'm here as an individual, not as president of
26 JACL.

27 I asked for this opportunity to come and talk and
28 speak to you because Senator Mello was the gentleman who

1 spoke at our installation, and I asked him if I could
2 have this opportunity.

3 I'm going to speak in opposition, because for
4 34 years I was a public educator. And I do not feel
5 that Mr. Lungren was a friend of education. And the
6 hour's late, so I'm not going to go into a long list of
7 things that he voted against. Except that starting in
8 '79, and ending in '86, I have seven in front of me. And
9 I think the one that was the most telling was the one
10 in 1974 when he voted to cut education spending from
11 \$1.7 billion to \$944 million. Of the 34 years in
12 education, 15 years was spent in special ed. So, I was
13 very, very familiar with programs being mandated, started,
14 and then the funds for these programs being taken away.
15 And the local district having to pick up the tab.

16 I know that these were probably part of other
17 bills and they were tucked away somewhere, but it seemed
18 that any bill or at least these seven were part of
19 seven bills that Mr. Lungren could not see fit to vote for.

20 I do not think that selling education short in
21 America is a smart move. Japan has been a very, very
22 strong advocate of public education. And they do not only
23 give lip service, but they back it up. The highest paid
24 civil service employees are the teachers. Great respect,
25 and I might say great results. They look far down the
26 road for their results, not something within a year or
27 two.

28 And I think that they have proven that they've

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1 taken the right tact,

2 The only other area where I am the least bit
3 qualified to speak is senior citizen, which I have now
4 attained that lofty perch. And I hope to stay there for
5 34 more years, too. And I would say that a man in
6 Congress votes his conscience, and then he lives with it.
7 And the gentleman who was up here was up here before me
8 spoke very glowingly of the senior citizens' respect for
9 the man. And I'm glad that they do, but as I read the--
10 his record in voting for senior citizens, it is not a real
11 good record.

12 Raising Social Security eligibility from 65 to
13 67. When you vote for that, fortunately some people are
14 very able at that age. There are a lot that are not.

15 When you include Social Security cost-of-living
16 increases as income when calculating rent, for people
17 who are on a bare minimum, this is tough. But I think the
18 worst is catastrophic health insurance. And I would say
19 that the last five years, since I've retired -- I've been
20 working with other people getting ready for retirement.
21 And their biggest concern is health insurance and
22 catastrophic health insurance.

23 It's not an easy thing to get to a position where
24 you realize that you've worked all your life and you're
25 in pretty good shape if you don't get sick. But if you
26 get sick, as I told my wife, if I got sick and died,
27 she'd be in pretty good shape. My insurance would take
28 care of it. In fact, she could afford a nice guy after I

1 died. But if I just got sick, it would devastate -- it
2 could devastate us. And we found this out when her
3 father had a stroke last summer and stayed in the
4 hospital only one month. Now, anything over that is
5 pretty catastrophic.

6 The other place where I find it very difficult
7 to look at a man and his voting is in AIDS education.
8 Anybody that studied geometric progression and we just
9 had an excellent documentary on Zaire where one out of
10 12 have AIDS. And it doesn't sound like we could do it in
11 the United States, but I always had one math problem for
12 my kids when I come in. I'd say, "Would you like to
13 help your mom for 30 straight days doing housework? And
14 which would you rather have? A penny doubled every day
15 for 30 days or a million dollars?"

16 And invariably, they'd take the million dollars.
17 And then we would start working. And after 30 days, they'd
18 see how many millions they had beat themselves out of,
19 because geometric progression is pretty devastating.

20 And AIDS, unfortunately, has this capacity to
21 multiply geometrically. So, these are my reasons for
22 opposing the gentleman who is running for State Treasurer.
23 And thank you for your opportunity, for my opportunity
24 to speak before you.

25 CHAIRMAN ROBERTI: Thank you very much, Mr. Harris.
26 I just noted one other witness who has a airplane to
27 catch. Mr. Herb Cawthorne, and if you might -- you're
28 Mr. Criley? If you could just wait and let Mr. Cawthorne

1 go next? I'm sorry I interjected him, but he has been
2 here. He was on the list, and he has a plane to catch.

3 The San Diego Urban League.

4 MR. CAWTHORNE: Thank you, Senator Roberti.

5 To the honorable members of the Senate Rules
6 Committee, it is with great honor and respect that I come
7 before this distinguished body to express a series of
8 views and philosophies which culminate in opposition to
9 the confirmation of Mr. Dan Lungren as Treasurer of the
10 State of California.

11 I am grateful to participate in this aspect of
12 the democratic process, for the strength of California and
13 the nation is in the manner in which great power and
14 influence must humbly submit to the review of the people
15 in order to achieve greater power and more significant
16 influence.

17 As the president and chief executive officer
18 of the Urban League of San Diego, I am here, as I said,
19 to oppose the confirmation of Daniel Lungren. This
20 opposition is a matter of record, his record in the
21 United States Congress. It is not a personal attack,
22 for there is nothing in my knowledge which would suggest
23 that Mr. Lungren is anything but an honest man, a
24 dedicated man, a man committed to public service.

25 And in my many, many conversations with others
26 throughout this State who share in this opposition, I have
27 heard nothing that smacks of kneejerk partisanship, nothing
28 that isolates Mr. Lungren as merely a Republican first.

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1 and a Congressman with a poor and indifferent record
2 second.

3 There are numerous Republicans whose history would
4 bring no major opposition to these proceedings. The
5 opposition is a matter of record. And the record's
6 frightening lack of vision, it's lack of compassion, its
7 lack of sympathy for those who are fighting every day to
8 hold body and soul together. It has been curious that
9 honest opposition in the face of the truth of the record
10 has brought from certain quarters the charge that ethnic
11 people, frustrated with his rejection of their particular
12 special interest are mounting this effort alone and
13 isolated from the majority of Californians.

14 This is a devisive and deceptive ploy which attempts
15 to isolate the concerns of the black community from the
16 welfare of children, to separate the needs of Hispanics
17 from the struggles of women, to divide the pain of the
18 Asian community from the responsibility to guard the
19 quality of life for the elderly.

20 In essence, the opposition to Mr. Lungren is
21 rooted in the belief among many, many diverse people that
22 he has neither the sensitivity nor the vision to manage
23 the great resources of the taxpayers of California in a
24 manner that will advance the quality of living and
25 productivity of the average taxpayer of this State. The
26 color of the opposition is not black, brown, white, or
27 yellow. The opposition is colored by its concept of
28 vision, its concept of what it will take to lead

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1 California toward harmony and brotherhood, and by its
2 unswerving desire to help our State prove to the nation
3 that diverse people can live together, can work together,
4 can solve problems together and build a productive and
5 expanding economy together.

6 Vision for the third most powerful position in
7 this State should have foremost a hue of balance.
8 Moderation is a virtue. There is nothing in the record
9 that gives evidence of Mr. Lungren's to entertain, much
10 less manage, the inevitable gray areas of politics in the
11 statewide makeup of California.

12 As the Treasurer decides policy on investment of
13 California's vast resources, these policies should be
14 developed with the protection and welfare of people in
15 mind, with some demonstrable understanding that happy,
16 healthy, well-educated human beings make a community, a
17 State, and, in fact, a nation prosperous.

18 Corporate enhancement and the building of
19 commerce should not suffer, nor should the profit motive
20 always outweigh the motive of developing people. Mr.
21 Lungren's record reveals a staunch and persistent
22 disregard of the needs of the average citizen. And in
23 this regard, he has shown no balance, no appreciation for
24 the fact that human problems solved today save millions
25 in taxpayer dollars tomorrow.

26 Does the belief that a man has a rigid,
27 uncompromising indifference toward using the resources
28 of taxpayers and the authority granted by taxpayers to

1 help those very same taxpayers improve the quality of
2 their lives have anything to do with his qualifications
3 to serve as State Treasurer? The answer is, yes.
4 Absolutely.

5 The Treasurer is more than a man or a woman with
6 a green visor counting the revenue and dutifully passing
7 it on to its appropriated spot. He or she is a leader
8 of the people of this State. The Treasurer controls
9 billions of dollars in investments which can be made for
10 both return on the dollar and benefit to the welfare of the
11 citizens.

12 The Treasurer sits upon and influences more than
13 40 boards and commissions which set policy on the use
14 of billions more in bonds, pension funds, and federal
15 revenues.

16 Now, Mr. Lungren's articulate mind is nevertheless
17 narrow in vision and scope. The record should speak
18 louder today than explanations draped in a fiscally
19 conservative philosophy, a fiscal philosophy which still
20 distinguishes Mr. Lungren as one of the most consistent
21 supporters of the spending that has driven the federal
22 deficit to unprecedented heights.

23 It is not that he refuses to spend money. It is
24 rather that he refuses to spend it on programs and
25 initiatives that give the struggling people of this
26 nation a fighting chance. And while his colleague in the
27 Congress might suggest that many of these votes were done
28 haphazardly and the particular issues were at the bottom of

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1 a major stack on which he voted, and while he may not
2 have been aware of his votes, it is curious to me that
3 he could receive a zero rating from the Children's
4 Defense Fund, a zero rating from the National Education
5 Association, and upwards of 85 percent from the Chamber
6 of Commerce and other interests concerned with the
7 development of business.

8 As a member of the U.S. Congress, Mr. Lungren
9 voted against programs that would have improved
10 education for the young. He voted to raise the age from --
11 for Social Security eligibility from 65 to 67, and he
12 led the right to stop individual reparations for more than
13 60,000 Japanese Americans, who to this day suffer the
14 scars of incarceration during World War II.

15 Mr. Lungren was among but 32 members of Congress
16 who voted against broadening the coverage of discrimination
17 in the Civil Rights Act of 1984. He has tried to
18 eliminate or decrease legal assistance to the poor, and
19 he has shown a disregard for the worsening plight of
20 women in our society.

21 It is our hope that the Senate Rules Committee
22 will send this nomination back to the Governor without
23 confirmation. It is our hope that the Rules Committee of
24 this honorable body will say to the Governor, it is neither
25 just nor fair, nor democratic that you would attempt to
26 replace Jesse Unruh whom the people elected after
27 an arduous campaign with a man whose record reveals a
28 disdain for the welfare of the young, the security of the

1 elderly, the advancement of women, the inclusion of those
2 less fortunate, and in fact, a disdain for the needs of
3 the great majority of the people of the State of
4 California.

5 Thank you for giving me this opportunity, Senator
6 Roberti.

7 CHAIRMAN ROBERTI: Thank you very much,
8 Mr. Cawthorne. Are there any questions? Thank you for
9 your testimony.

10 The next witness is Mr. Richard Criley from
11 Carmel.

12 MR. CRILEY: Thank you for -- Senator Roberti
13 and other members of the Committee for giving me this
14 opportunity to speak on what I think is an extremely
15 important matter before you.

16 I think the problem we face is how do we pass
17 judgment on a person whose entire public life has been
18 as a member of Congress? And I think there is only one
19 objective test, and that is his record, how he votes, what
20 he has supported, what he has opposed in the United
21 States Congress.

22 For the past 25 years or more, I have monitored
23 legislation relating to civil rights and civil liberties
24 in the United States Congress.

25 And let me say that Mr. Lungren has a very
26 interesting record. I would like to first, however,
27 address HR 442 as a World War II veteran and one who
28 served three years in the European Theater. I don't know

1 if Mr. Lungren is aware of the symbolic No. 442. This
2 was the number of the heroic combat team, the 442nd, made
3 up of Japanese Americans who had probably the outstanding
4 record of heroism in World War II in the European Theater.

5 And very appropriately, HR 442 called for
6 redress and the reparations that have been discussed.
7 As a veteran, I want to express my very strong feelings
8 as to how important I think this measure was. The
9 internment of the Japanese is probably the most
10 horrendous stain in the constitutional record of our
11 nation. I think all of us need to see some symbolic
12 and substantial acts taken to perhaps cleanse us somewhat
13 for the responsibility of this not only incredible
14 constitutional violation, but given the fact that the
15 German Americans and Italian Americans were never faced
16 with any kind of internment, it was also clearly an act
17 of racism. And I find it very hard indeed to understand
18 the role of Mr. Lungren not only in voting against the
19 reparations, but in leading the floor fight against them.

20 I can only see it as a very different estimate than
21 my own as to the importance of civil liberties and
22 constitutional rights in our nation. And I would see his
23 opposition to this important means of redress as an
24 expression of someone who fails to understand the magnitude
25 of the problem.

26 I do not want to give the impression, however,
27 that Mr. Lungren has been unduly directed against
28 Japanese Americans. I think the record will show that he

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1 has been amazingly even-handed in opposing every
2 significant civil rights measure that has come before the
3 House of Representatives during his rather long period in
4 office there since 1979.

5 And I think he is across the board in opposition
6 to things that would be of major importance to a large
7 number of groups in our society. But let's go to the
8 largest group of disadvantaged persons in our society;
9 namely, women.

10 I find it significant that Mr. Lungren voted
11 against the ERA, which became in many respects a symbol
12 to, I think, very large numbers -- millions of women
13 in our society as an expression of their equality.

14 But let's say that was debatable. He opposed
15 HR 3008 in 1985, a measure to attempt to bring pay
16 equity between men and women in federal employment. And
17 in '86, he voted against HR 2369, which was the Title 10
18 extension of federal money to aid family planning
19 services throughout the fiscal year 1988. I believe that
20 there is probably no more important single thing to
21 establish the possibilities of equal participation in
22 the life of our society for women than adequate access
23 to all aspects of family planning. And I find it
24 extremely significant that, as a fiscal conservative or
25 whatever, Mr. Lungren apparently does not understand this
26 question either.

27 Let's run down a few others. Fair housing, HR 5200.
28 In 1980, he voted against the key enforcement

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1 provisions of this extremely important federal housing
2 law. He opposed the voting rights, or one aspect of
3 them, and fought very hard to try to eliminate the
4 bilingual aspect of ballots in the Federal Voting Rights
5 Act.

6 A very interesting thing, because it didn't cost
7 any money or at least not very much, something called the
8 Hate Crime Statistics Act. I think many of us are aware --

9 SENATOR CRAVEN: May I interrupt this gentleman?

10 Mr. Chairman, with all due regard for the
11 gentleman from Carmel, I'm beginning, you know, almost
12 know all of these things by memory. Here, generally
13 speaking when we have a hearing, people come in and after
14 the points have been made, the third witness and the
15 fourth witness says, "I don't want to take your time.
16 All of those things that they said we agree with or
17 we disagree with or whatever the case may be." And we're
18 for or we're against.

19 Here we've had a recitation time after time after
20 time. You have said very articulately and most sincerely
21 things that I've heard now perhaps 20 or 25 times, And
22 you say the same things. These things were not only said
23 yesterday and the day before, but they were explained
24 on the part of the Congressman. You could have heard that
25 and agreed or disagreed with it as the case may have been.
26 But because we are late, and I'm anxious to get out of
27 here, to be very frank about it, I just wondered if we could
28 say, "We're opposed to all of these things," or, "we're

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1 opposed to Mr. Lungren,"and just, you know, let's
2 stipulate it in.

3 MR. CRILEY: Well, if the Committee would like
4 to stipulate the record is --

5 CHAIRMAN ROBERTI: No.

6 MR. CRILEY: -- such as I have --

7 CHAIRMAN ROBERTI: What we have tried to do
8 on the opponents, we've tried to hold them to no more than
9 five minutes. And so, you have two minutes left.

10 MR. CRILEY: Okay. I'll use the two minutes.

11 I'm glad if Senator Craven is willing to
12 stipulate that the civil liberties record is as bad as
13 I have said it is without my having to go --

14 SENATOR CRAVEN: I'm willing to stipulate that
15 you said that. I don't agree.

16 MR. CRILEY: -- through all of the pieces.

17 (Laughter.)

18 MR. CRILEY: Well, I'm -- don't believe me, look
19 at the Congressional Record and it will prove me correct.

20 SENATOR CRAVEN: Well, we've gone through that
21 many times. You're not carving new furrows in the ground
22 here.

23 MR. CRILEY: I do think one other -- one other
24 thing, however, is important enough to mention, and these
25 are his two votes in opposing sanctions against South
26 Africa, which is the lone country in this world still
27 maintaining the Hitlerite official standard of racism as
28 a standard of government. I think that judgments need to

1 be made, not primarily on the basis of the fact that
2 a person is a nice guy, no doubt he is; that he is kind
3 to his children and so forth.

4 But a judgment as to what is his comprehension
5 of our society, of its realities, of the pangs and pains
6 of the people that make up the majority of our society,
7 and I think most important to understand the very nature
8 of the fragile constitutional democracy which we believe
9 in and try to uphold. And I believe, in view of this
10 record, it does demonstrate a lack of comprehension of
11 these most important issues which I believe would make
12 him indeed a very poor person to be confirmed in that
13 most important office for the State of California.

14 Thank you.

15 CHAIRMAN ROBERTI: Thank you very much, Mr. Criley?
16 Any questions?

17 SENATOR MELLO: Mr. Chairman, not a question.
18 I submitted a letter from Mr. David Yamada who cannot be
19 here.

20 CHAIRMAN ROBERTI: Yes. He cannot testify, so
21 we'll stipulate Mr. Yamada's testimony be entered into
22 the record, I believe in opposition.

23 SENATOR MELLO: Thank you.

24 CHAIRMAN ROBERTI: The next witness is Leslie
25 Riggins. Leslie Riggins indicated that -- he/she, I
26 don't know. He wished to testify. He left? Mr. Jim
27 Evans, United Transportation Union.

28 MR. EVANS: Thank you, Mr. Chairman and members.

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1 I'm Jim Evans, I'm the State legislative director
2 for the United Transportation Union,

3 I represent approximately 15,000 members, active
4 members, throughout the State of California. You're
5 hearing a lot of testimony this week about the duties of
6 the Treasurer's Office and how important they are to a
7 lot of different people.

8 Well, they're just as important to the working
9 people I represent. Some of those members come under
10 PERS and the actions of the Treasurer of that Board can
11 make a big difference in whether my members have a
12 health plan, a decent pension 20 years from now,

13 In the next few years, the Treasurer may end
14 up with an important role to play in the transportation
15 financing. The way that goes can mean the difference
16 between jobs and no jobs for my members. Those things are
17 important, no doubt about it.

18 But I don't think the members of my union are so
19 different from other Californians, and that's what I'm
20 here to talk about. The people of the State of
21 California gave you legislators in the Senate and the
22 Assembly the responsibility to stand in for them when it
23 comes time to fill a vacancy in a constitutional office,

24 To me, that means you've got to pay a lot of
25 attention to what those voters did when they elected a
26 State Treasurer. I think it's as simple as that,

27 And if you look at it that way, I think that the
28 choice is pretty clear. I don't think that the Senate

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1 ought to confirm someone like Dan Lungren because the
2 voters didn't elect anyone like him to do the job.

3 They elected Jesse Unruh, and they elected him
4 time and again. And even when they were electing a
5 George Deukmejian to do the job as the Governor, they were
6 electing Jesse Unruh by a bigger vote to be Treasurer.

7 I think California voters understand the
8 difference between those two jobs. And I think they
9 understand the difference between those two men.

10 I think you have to keep faith with the voters.
11 The man they elected in '74, '78, '82, and '86 was a
12 hundred percent pro working people. He supported the
13 prevailing wage. He supported the right to collective
14 bargaining. He supported worker health and safety
15 programs. He didn't make any secret of that. Everybody
16 knew it.

17 The man Governor Deukmejian appointed only 12
18 months after the voters had spoken has a record, too.
19 He's got one of the worst labor voting records in Congress.
20 He's voted against the prevailing wage. He voted against
21 Occupational Safety and Health. He's generally voted
22 against public works spending.

23 Jesse Unruh believed that government has a
24 legitimate role to play in making life better for all
25 Californians. He believed that government ought to take
26 an active role in making life better in this State and he
27 behaved that way. As Speaker of the Assembly and as
28 State Treasurer, he made the office powerful and he did

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1 good things with it.

2 Dan Lungren doesn't want government to do things,
3 good or bad. He likes to say he's just like Deukmejian or
4 Ronald Reagan. I question that. I think he's a lot more
5 antigovernment than either one of them. But that's not
6 the question, because the voters have already spoken.
7 They decided they wanted somebody like Deukmejian as
8 Governor, although I'm not sure what they would have done
9 if he ever let it slip before November that he planned to
10 veto Cal-Osha, and they elected Jesse Unruh as Treasurer.

11 If the Governor isn't going to pay any attention
12 to what they said, then the voters have given the
13 Legislature the job of doing that very thing. And don't
14 let anybody tell you this thing can wait until next
15 election in 1990. The Treasurer's job is too important.
16 There's billions of dollars of decisions that will affect
17 the State's economy right into the next century that
18 have to be made in the next two years.

19 I ask this Committee to keep faith the California
20 voters. Vote no on Dan Lungren. The Governor can and
21 must find a candidate who will serve the State like Jesse
22 Unruh did. And until he does, I think you're obliged to
23 just say no.

24 CHAIRMAN ROBERTI: Thank you, Mr. Evans. Any
25 questions? No. Thank you.

26 MR. EVANS: Thank you.

27 CHAIRMAN ROBERTI: The next witness is Honorable
28 Cruz Reynoso.

1 MR. REYNOSO: Mr. Chairman, members of the
2 Committee. My name is Cruz Reynoso, citizen, I came
3 here for two reasons. One, to endorse the prepared
4 testimony that Mr. Mario Obledo will be presenting right
5 after I speak, and to indicate to you that I agree with
6 it fully.

7 Secondly, to express my own views on this matter.
8 And in that regard, I would like to read a short letter
9 to you and make one further explanation.

10 This is addressed to Mr. Roberti, dated February 1.

11 "I have been asked to express
12 my thoughts about the Governor's
13 nomination of Congressman Daniel E.
14 Lungren to the position of Treasurer.
15 I should explain in that regard that
16 I got a call from many folk and I have
17 been reluctant to speak against any
18 actions that this Governor has taken."

19 Since I left the bench, I've had my share of
20 disagreements with the Governor in the past. But I was
21 persuaded this issue was so important that I should
22 speak out. The letter continues.

23 "The People of the State of
24 California elected Jesse Unruh to that
25 office. I knew Mr. Unruh for nearly
26 three decades. It was Mr. Uhruh who
27 sponsored the Civil Rights Act in
28 California, even before the national

1 civil rights movement of the 1960s.

2 He understood poverty and deprivation
3 of rights as well as wealth and power.

4 He appreciated the importance of
5 government and provided an opportunity
6 for all California to equally enjoy
7 the fruits of citizenship. State

8 Government was his turf and service his
9 profession. To replace Mr. Unruh the
10 Government has chosen a person lacking
11 in experience in State Government and
12 woefully lacking in a vision of

13 California and its people. His is not
14 a vision of government which will protect
15 those in need. His record has been
16 described as 'antiminority, anti-civil
17 rights, antiwomen, antipoor, and

18 anti-elderly.' California is a great

19 State of multiracial, ethnic, and

20 linguistic strains. Mr. Lungren's

21 record reflects a person of limited

22 understanding with no affirmative

23 record to demonstrate ability to lead

24 our strong and diverse State. The call

25 is not close, Mr. Lungren's nomination,

26 in my view, should not be accepted by

27 the Legislature."

28 Now, Mr. Chairman, members of the Committee, I was

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1 not here all day long, but I was here for a few minutes
2 and heard the testimony of Mr. Vasquez early this
3 afternoon.

4 One of the examples that he used about the
5 understanding of the Congressman was the Immigration Act.
6 And I just want to clarify that a little bit for this
7 court's -- for this court's! -- for this Committee's
8 benefit. I served for several years on the Select
9 Commission on Immigration and Refugee Policy. I was a
10 presidential appointee and served there with more members
11 of the cabinet, four Senators, including Senator Simpson,
12 who was mentioned, and four Congressmen.

13 I should first mention to this Committee that
14 during that time, we worked months and months -- years,
15 actually, on this proposed legislation, I personally did
16 not hear nor did I note that the Committee heard from
17 Congressman Lungren on this issue. He was active after
18 the legislation was introduced. But I should state
19 further that many issues have come after the legislation
20 was passed, issues pertaining to the resources which should
21 put into the legalization process, issues pertaining to
22 the limitations of the rules and regulations that INS
23 issued. And none of those issues have I heard the
24 Congressman come forward on behalf of those who were
25 meant to be benefited by that legislation, the undocumented.

26 So, it came to me as a person so involved for so
27 many years in the immigration issues as quite a surprise,
28 I should tell you, that Mr. Vasquez would present the

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1 Congressman as a champion of those who were meant to be
2 benefited by that legislation. And he put favorably
3 from Senator Simpson. This Committee should perhaps read
4 a separate statement filed by Senator Simpson when we
5 filed our report and presented it to President Reagan.

6 And suffice it to say. as I read his statement, he
7 would favor -- he would disfavor immigration from Asia
8 and Latin America and would favor immigration from
9 Europe.

10 I hardly see the Simpson's views as viewed that
11 are related to the benefit of the people of the State of
12 California.

13 CHAIRMAN ROBERTI: Thank you very much, Mr. Reynoso.

14 SENATOR MELLO: Mr. Chairman, I'd just like to take
15 note of the fact that Mr. Justice Reynoso is a former
16 member of the California Supreme Court. I just wanted
17 to point that out for the record.

18 CHAIRMAN ROBERTI: Thank you.

19 SENATOR MELLO: And I also want to point out
20 that when you received your appointment to the Supreme
21 Court, Governor Deukmejian at that time was Attorney
22 General, and sat on the Judicial Commission, which reviews
23 judicial appointments, and -- ~~and~~. And he had the
24 opportunity, while Attorney General, to vote on 54
25 appointments involving -- he served along with the
26 Chief Justice and a senior presiding justice. He had
27 the opportunity to vote on 54 different judges while
28 serving as Attorney General. He was the only member of

1 the Commission during the four years to vote no on any
2 judge, and he exercised that 17 times, or more than 37
3 percent of the times, successfully blocking four
4 appointments, all of whom were rated as highly
5 qualified. Just bringing that out, because Cruz Reynoso
6 on January 20th, 1982, the vote was cast, a no vote
7 against you by George Deukmejian as Attorney General.

8 You went on. You were confirmed and served
9 because of the other two votes and you served, in my
10 opinion, with great distinction.

11 MR. REYNOSO: Yes, it's regrettable that his
12 vote was a no vote on me, the only at that time, Latino
13 appointed to the Supreme Court; and against Justice
14 Broussard, at that time the second black appointed
15 to the California Supreme Court. That's unfortunate, but
16 it's part of history.

17 CHAIRMAN ROBERTI: Thank you very much.

18 MR. REYNOSO: Thank you.

19 CHAIRMAN ROBERTI: The next witness is Honorable
20 Mario Obledo. I want to get your title just right. Chair
21 of the California Coalition of Hispanic Organizations,
22 and former Secretary of Health and Welfare for the State
23 of California.

24 MR. OBLEDO: Thank you, Mr. Chairman, members of
25 the Senate Rules Committee. My name is Mario Obledo. I
26 am the Chairman of the California Coalition of Hispanic
27 Organizations, immediate past national president of the
28 League of United Latin American Citizens, otherwise known

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1 as LULAC, and the Chairman of the Board of the National
2 Rainbow Coalition.

3 My appearance today is neither as a Democrat
4 or as a Republican. In my opinion, neither party has
5 done as much as it can or could have done to make this
6 country of ours measure up to the promises it holds,
7 particularly in reference to the blacks and the browns
8 and the yellows and the reds, and the lavenders and other
9 members of the Rainbow Coalition.

10 But the discussion on this matter is for another
11 time and for another place. For three decades, I have
12 devoted a considerable part of my life to the betterment
13 of the socioeconomic and political conditions of Latinos
14 or Hispanics and other groups similarly situated in our
15 nation, more specifically in the Southwest.

16 Our progress through the years has been steady,
17 but slow, due to many factors, some within and some outside
18 our community. Too often persons in positions of
19 responsible leadership have opted for the status quo
20 instead of exercising the vision required to alleviate
21 human suffering and to elevate equal opportunities for
22 jobs, for housing, for health care.

23 Instead of perfecting a system of equal justice
24 under law, these individuals have facilitated a continuation
25 of systems that do violence to the concept of our
26 democracy and to the United States Constitution.

27 Abraham Lincoln once said that to sin by silence
28 when they should protest makes cowards of men. It is much

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1 easier to remain quiet and let the voiceless and the
2 less powerful go unheard. But the communities I represent
3 need to render an expression, and that expression is
4 that Mr. Dan Lungren should not be confirmed as Treasurer
5 of the State of California.

6 In a normal situation, the choice of a governor
7 should be respected, unless the individual is not
8 acceptable for important reasons. In any event, the
9 Senate is duty bound to weigh the qualifications of a
10 nominee. It is a solemn responsibility to the public.

11 In this case, the nomination is not for a
12 department director or for an agency secretary, but for
13 an office that is constitutionally created. A department
14 director or an agency secretary is accountable to the
15 Governor. In this office, that person is accountable only
16 to the public generally. The powers of the Treasurer
17 impact on the lives on all Californians. That is
18 precisely -- that is precisely the reason this
19 confirmation process should be given close and serious
20 attention.

21 The Governor has made a score of outrageous
22 nominations as evidenced by their failure. But on the
23 other hand, he has also appointed a great number of good,
24 decent people to public positions. But on this
25 nomination, I respectfully submit that good judgment was
26 set aside. The job of State Treasurer is not merely
27 ministerial and administrative. It is one which impacts
28 on decisions that will determine -- that will determine the

1 future well-being of our State.

2 For example, the Treasurer sits as a member of
3 boards and commissions which influence the health, the
4 education, the welfare, and the housing needs of the
5 people. The Treasurer also sits on bodies which impact
6 on industrial development and veterans assistance, and
7 is responsible for the prudent investment of State monies.

8 Thus, the State Treasurer, the State Treasurer
9 can create equal opportunity for employment, can insist
10 on affordable housing, on access to health facilities,
11 on fairness for veterans, on better educational
12 institutions. In short -- in short, the State Treasurer
13 can be a meaningful instrumentality for progressive
14 and enlightened change in the character and the condition
15 of our State.

16 California, as Dan Walters of the Sacramento Bee
17 has so insightfully and eloquently pointed out, it's
18 fast becoming a State with a two-tier society: the haves
19 and have nots. Occupying the top tier is generally the
20 white population, the technocrats; while the bottom tier
21 is comprised of the unskilled, the uneducated, mostly
22 brown and black, the newly arrived Asian immigrant. Soon
23 our California will be 50 percent minority. Now, what
24 does all of this have to do with Dan Lungren you might
25 ask? One can only judge -- one can only judge a person
26 by their past history, by their record.

27 I shall not outline here what you must surely
28 already know. His record in the Congress is almost without

1 exception against and opposite that vision which I
2 spoke about earlier, that element so vitally necessary to
3 propel California into the future by fostering a climate
4 of good will and healthy human relationships without which
5 greatness cannot be achieved.

6 Our relations with Mexico and Latin America and
7 the Pacific Rim countries need to be strengthened, not
8 further strained. And our internal intergroup relations
9 must be cultivated, not alienated.

10 So, if the Governor is listening, or members of
11 his staff, with all due respect, with all due respect,
12 I urge him to withdraw the nomination, to withdraw this
13 nomination, and consider other prospects, among them
14 minority group members who still lack in representation
15 at the top level of State Government.

16 Thank you.

17 CHAIRMAN ROBERTI: Thank you very much,
18 Mr. Obledo. Are there any questions? There are none. We
19 appreciate your testimony.

20 I have a couple of names that have been sent up
21 to me, people who would like to testify. If they could
22 keep it brief -- would somebody just indicate? Maybe
23 they are no longer here. Is there someone here who
24 chooses to testify? Would you state your name and --

25 MR. SEGOVIA: Thank you for allowing me to speak
26 here tonight.

27 My name is Roberto Segovia. I'm a Sac State
28 student, also a Vietnam veteran. I moved here to

1 California in 1970. I had to escape the rampant
2 degree of racism and oppression that still exists there.

3 I'm a first generation Chicano, one who shared
4 a bed with two of my other brothers, because, again, the
5 widespread poverty; one that also began to work in the
6 fields at four and a half years old, one that was also
7 seen by a system as an asset to capitlize on, in the
8 manner of fitting into jungle fatigues and teaching how
9 to kill people.

10 As a result of Vietnam, I came back disabled.
11 A supporter of Congressman Lungren was asked earlier
12 about housing amongst migrants. I'd like to make it
13 clear that at the present time, I have cousins and close
14 friends that are living under subconditions -- subhuman
15 conditions, forgive me.

16 When I paid such a high price personally to live
17 here in this country, and I continued to see my fellow
18 migrant brothers and sisters that are still suffering
19 on a system that turns it back on them, I can't help but
20 feel a certain degree of anger, anger because the system
21 continues to ignore them along with the homeless and the
22 disabled.

23 Again, as a Vietnam veteran, I've been one of
24 those that has a great concern about this administration's
25 endless desire to build up Contra aid. I fought along
26 with other colored soldiers, G.I.'s, yellow, black,
27 white. The Congressman's strong support for the buildup
28 of military aid to the Contras reminds me of the gradual

1 buildup back in the early 1960s.

2 His voting record unfortunately coincides so much
3 with the administration's -- the administration in
4 Washington.

5 Finally, I would like to urge all of the
6 Senate members to vote against the nomination of this
7 Congressman Lungren. Some may ask why. To replace
8 Jesse Unruh with Congressman Lungren I feel is like a
9 little boy trying to fit into -- into his father's shoes.

10 Thank you for allowing me to speak.

11 CHAIRMAN ROBERTI: Thank you, Mr. Segovia.

12 Senator Petris has a question.

13 SENATOR PETRIS: Yeah, Mr. Segovia, I didn't
14 catch -- you came to California in '70, but I didn't
15 catch from where, other than the War.

16 MR. SEGOVIA: San Antonio, Texas.

17 SENATOR PETRIS: That's where you were born and
18 grew up?

19 MR. SEGOVIA: Yes, Texas, uh-huh.

20 SENATOR PETRIS: Thank you.

21 CHAIRMAN ROBERTI: Thank you again,

22 Congressman Lungren, you may conclude.

23 CONGRESSMAN LUNGREN: Thank you very much, Mr.
24 Chairman.

25 I suppose going through this and arriving at this
26 point reminds of one of the stories Yogi Berra used to
27 tell.

28 As some of you may recall, in addition to

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1 being a good All Star catcher, he also was pretty
2 good in the outfield. And occasionally, in Yankee
3 Stadium, they'd send him in the outfield in the late
4 innings.

5 The reason they'd do that is the superstructure
6 in Yankee Stadium is such that you have early shadows
7 crossing part of the field, but yet not crossing the
8 other, and sometimes it's difficult for someone to gauge
9 a flyball.

10 And one time they asked him how he was able to
11 do it so well? He wasn't a particularly good runner.

12 And he said, "Well, you know, everytime I go out
13 there, I remember that it gets late out there early."

14 And I'm not sure whether it's just the way I
15 feel otday or whether it actually is late. But let me
16 try and touch on a few matters that were spoken about
17 here.

18 As I said at the outset, I have a record that
19 I've achieved in almost ten years in the Congress, a record
20 of which I'm very proud. And I'm not going to shy from
21 that record. I haven't to this point. I don't intend
22 to now or anytime in the future.

23 However, I would suggest that when we look at
24 a record, we might just at times try and set it straight.
25 As I mentioned at the outset, in those 10 years -- almost

26 / /

27 / /

1 ten years in Congress, I've probably cast somewhere near
2 4500 votes, compiled a 95 percent attendance record,
3 although that's gone down the last two weeks as I've been
4 back here.

5 As veteran legislators and members of this panel
6 are well aware, that it's quite easy to take a vote out of
7 context, to talk about a vote meaning this, give it a good
8 name and then you dare people to vote against it, even
9 though it might not be in the best interest of the
10 individuals for whom it has been nominated.

11 You also realize that oftentimes a no vote is not
12 the popular vote. It's the vote that people cast sometimes
13 in protest of what's going on in the system they find.

14 Let me just give you a couple of examples, I think,
15 of what we've heard here over the last few weeks to give
16 a little better perspective on that. Remember, the so-
17 called Committee for Responsible Government has postured
18 my vote for a \$50 million education fund and an official
19 apology to Japanese Americans as racist. That's what
20 their press release says. That's what Dr. Allan Seid,
21 who was quoted here today and had a statement entered into
22 the record -- but you know what's interesting about that
23 organization that he represents? Recently, he characterized
24 a bill introduced by a Senator from Massachusetts as a
25 racist bill, because it attempted to allow slightly more
26 people from Ireland and England and some of those
27 countries than would otherwise come through. I guess that
28 means that Ted Kennedy and I share the same rating from

1 that organization.

2 I've been told that I will not enforce bond
3 issues if the bonds go for a purpose that might relate to
4 a fiscal matter that when I was in the Legislature in
5 Washington, D.C., I voted against. Although some might
6 want to discard it, I seem to find that similar to an
7 attorney general who disagrees vehemently with the death
8 penalty, but says straightforward to you and to the people
9 when he goes to them for election, that despite his
10 personal views, he will make sure that his office carries
11 it out. That just doesn't mean that when a case comes up,
12 they do it. That means taking a case all the way to the
13 Supreme Court when they're worried about that issue, when
14 we're going to define whether that issue is, in fact, to
15 remain before us. He, too, must enforce the laws.

16 My vote against allowing individuals to sue for
17 damages from toxic spills was termed here anti-environment.
18 As Senator Craven mentioned, it was only said once, it
19 was said twice, it was said three times, it was said four
20 times, yet it was dismissed when I mentioned that
21 California Democratic members Coelho, Fazio, Dymally,
22 and Panetta joined me in that same vote. Are they, too,
23 now to be considered anti-environmental? Or was there
24 another issue here perhaps that was selectively ignored?

25 When, as Senator Mello knows, his Congressman
26 Leon Panetta proposed a COLA freeze on Social Security,
27 Federal retirees, and veterans compensation, I actively
28 opposed that freeze because I didn't think it was

appropriate in the context in which it was presented. 219

And I was on the majority side. 372 people voted against it; only 56 people joined your Congressman Leon Panetta for it. Yet I'm told I'm senior citizen (sic). Are we to say that Leon Panetta is senior -- anti-senior citizen because he not only introduced it, but he found himself in the minority viewpoint?

My vote in favor of limited offshore oil exploration -- some people have said that makes me anti-environment. But no mention was made of the fact that Congressman Dymally supports that position. Congressman Hawkins, Congressman Anderson. Mario Obledo has testified on behalf of that position, a former member of Governor Jerry Brown's cabinet.

The NAACP has testified on behalf of that position, the Black Business Association, LULAC and Laraza. I didn't hear anyone say here, when they came before you, that those representatives were appearing before you as an anti-environmental group.

My point is this: My career, as all of your careers, are much more than a single vote or a series of votes. I'll stand on my record, but I'll stand on a record that is understood and not distorted. And I am simple this: a fiscal conservative who has deeply held views, who believes that the Treasurer of the State of California ought to be responsible in terms of protecting the interest of the people of that State.

I would hope that you would want a person in that

1 office who would make safe and sound investments to
2 protect the taxpayers and pension plan holders.

3 Unfortunately, through three days of hearings, we had
4 very, very little, almost an insignificant amount of
5 discussion on those issues. I wonder why. I would
6 think you'd be concerned about how we were going to
7 protect the investment of the pension funds of the people
8 of the State of California.

9 I would have thought we would have been interested
10 to talk about how we're going to protect the bond ratings
11 of the State of California, working together in a
12 cooperative spirit -- my office, your offices, the
13 Governor's Office, the Controller's Office. Unfortunately,
14 very little, if nothing, was said about that.

15 I respect the judgment of the Legislature, and
16 I respect the judgment of the voters. I don't suggest
17 that you ought not to pay attention to the comments of
18 Cruz Reynoso. I find it ironic that I'm criticized for
19 being out of the mainstream, however. I've been before
20 the electorate on numerous occasions: 73 percent of the
21 people have returned me to office on the last two
22 occasions. And yet, I am considered out of the mainstream?

23 I see a broadside by one of the witnesses here
24 that suggests that I'm against the elderly. I'm against
25 youth. I'm against women. I'm against men. I'm against
26 I guess everybody: Democrats, Republicans. What do you
27 think my district is made of? I go before the people
28 every two years, every two years. Sometimes I wish I

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1 were a State Senator. Sometimes I wish I were in some
2 other office where I didn't have to go before the people
3 every two years. But I do it. That's part of the job.
4 It keeps me close to the people. I hold townhall meetings
5 all over my district, from Lomita to Palos Verdes. When
6 I had Hawaiian Gardens, before you took it away from me,
7 I held town meetings there as well. I've gone to the
8 wealthiest areas of my district; I've gone to the poorest
9 areas of my district. I've stood up there, taken any and
10 all questions from anybody who wanted to come, and
11 discussed with them anything they had on their mind. I've
12 never shied away from my record.

13 I've gone to Leisure World in my district at a
14 time when Social Security was the toughest political issue
15 to talk about to hold a no-holds barred open meeting to
16 discuss the issue, to hear from my constituents, to get
17 their viewpoint, to present the various concerns, and then
18 to let them judge me. I don't get 73 percent in Leisure
19 World. I think I get closer to 90 percent in Leisure
20 World. That hardly sounds like I'm anti-senior citizen.

21 Mr. Chairman, I'm sorry that because of the hearings
22 and the changing of the dates that we had -- that we had
23 to -- I know that you accommodated me on one day when I
24 had to return to Washington for an important vote -- that
25 some people were unable to testify. I received a
26 statement today from William French Smith, the former
27 Attorney General of the United States, who asked that
28 his statement be entered into the record. If he had had

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1 an opportunity, he would have been here to testify.

2 I won't take the Committee's time, but he does
3 make reference to the leadership that I did employ in the
4 House of Representatives. Let me just read one sentence.
5 He said:

6 "In retrospect, it is almost hard to
7 believe that a single individual
8 belonging to the House Minority could
9 have such an impact on public policy."

10 He was talking about the issues, such as crime,
11 such as drugs, such as immigration. I'd like to be able
12 to enter that into the record if I might.

13 Mr. Chairman, when we talk about what we want,
14 it seems to me, on the State or Federal level, one of the
15 things that we ought to keep uppermost in our minds is that
16 we serve the people, and that we attempt to serve the
17 people in the best way we know how. I have tried in my
18 years in the Congress to be as forthright and as open with
19 them as I possibly can be. As I explained to a reporter
20 for the Sacramento Bee, who said to me, "How could you
21 possibly be Treasurer of the State of California and be a
22 Catholic?"

23 I was stunned by that question, yet he asked that
24 of me. I said, "You know, my idea is you don't check
25 your conscience at the door when you walk into the political
26 arena."

27 Maybe that's a novel idea for some. It seems to me
28 to be a position of strength, or at least something I

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1 respect in others. It seems to me that we ought not
2 to shy away from strongly held principles. We ought to be
3 up front with them. We ought to put them out forward,
4 and yet we ought to be enough of individuals with humility
5 that we recognize there may be another point of view, and
6 we attempt to work with people from that standpoint.

7 And in that regard, Mr. Chairman, I hope you don't
8 mind -- I've received a copy of a letter that was sent
9 by Congressman Mazzoli to you. I'd like to make some
10 reference to that at this time. He mentions that he
11 cannot be here. And he says this:

12 "I cannot say enough about Dan Lungren
13 as a person, a Legislator, and a public
14 official. We developed an outstanding
15 working relationship during our time
16 together in the U. S. Congress and on
17 the House Judiciary Committee. We became
18 especially close during the six years it
19 took us. Four of the six, he was the
20 ranking Republican on the Immigration
21 Subcommittee to pass the bill. I have
22 always admired his knowledge, integrity,
23 and attention to detail in debating issues.
24 He always has the facts in order, and
25 he's earned the respect of members from
26 both sides of the aisle for his
27 intelligence, his honesty, his judgment,
28 his oratorical skills, and his ability

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1 to work out agreements with members
2 of the Committee whose views and
3 philosophy are quite different from
4 his own."

5 Mr. Chairman, reference was also made to
6 Congressman Barnie Frank. As you know, he and I
7 accompanied Elena Bonner back to the Soviet Union. She
8 was not sure what awaited her in the Soviet Union, what
9 the KGB had in mind for her. And the purpose of Barnie
10 Frank and I accompanying her back was to show to the
11 Soviet officials, KGB, as well as members of the
12 Politburo, that on issues of human rights on issues of
13 basic fairness and justice, there was no division in this
14 country. Rather, there was a consensus of conscience
15 in this country. And that whether you're Republican or
16 Democrat, or liberal, or conservative, it did not matter.
17 It was an important statement we thought ought to be made.

18 One of the things that bothers me about the
19 tenor of some of the comments in this hearing is it tends
20 to tear down that concept. It tends to suggest that
21 to divide us is to be more important than to try to bring
22 us together. It suggests that if someone has a different
23 philosophical point of view, that person cannot possibly
24 be understanding of another's viewpoint; that person
25 cannot possibly have humanity; that person cannot
26 possibly be concerned about civil rights. We intentionally
27 tried to disabuse the Soviet Union of that notion when we
28 went to the Soviet Union with Elena Bonner. And I

1 received a copy of a letter that Congressman Frank
2 wrote to a Californian with respect to his question about,
3 as an Asian American, how he should view Dan Lungren and
4 his service in the Congress.

5 And it says, "As you know, since Mr. Lungren is
6 a conservative and I am a liberal, we disagree on a wide
7 range of issues. One of those on which we disagreed was
8 the question of reparations."

9 He goes on to say, "While I disagreed with Dan's
10 position on this issue, I'm absolutely convinced he was
11 wholly sincerely motivated by his view of what proper
12 public policy ought to be, and it's a grave error for
13 anyone to suggest he was in any way, shape, or form
14 motivated by racism. In fact, during the debates on the
15 issue, he spoke out quite strongly about his feelings
16 that the internment of the Japanese Americans was morally
17 wrong and contrary to what our national ideals should have
18 indicated. And in those parts of the bill which dealt
19 with the congressional apology and the description of the
20 wrong that had been done, he participated quite
21 constructively, and indeed helped strengthen the language
22 in which we deplored the action.

23 "I should add, since you have indicated
24 some interest in his views on minorities
25 in general, I have found this to be a
26 pattern with him. We often disagree,
27 because he is quite conservative, but we've
28 also agreed on some very important issues

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1 because of his essential belief in
2 fairness. For instance, during the
3 debate on the immigration bill adopted
4 in '86, he remained steadfast in his
5 support of a reasonable legalization
6 program. And while we disagreed about
7 some other aspects of the bill involving
8 antidiscrimination protections, he worked
9 constructively to help shape an overall
10 package, which seemed to be an equitable
11 one. And in the area of the rights of
12 other minorities, I was impressed when he
13 was one of the very few Republicans to
14 speak out against an effort by one of the
15 more right-wing members of the House of
16 Representatives to strike from the bill
17 dealing with hate crimes, a section which
18 required that statistics be gathered on
19 crimes committed against people based on
20 their sexual orientation. I thought it
21 was courageous of him and indicative of
22 his integrity that he opposed an amendment
23 coming from some of those on the Judiciary
24 Committee, who are normally his allies,
25 because he thought its implications were
26 that we would be condoning violence against
27 gay men and lesbians. His strong support
28 was a major reason why we were able to

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1 defeat that particular amendment by an
2 even greater margin than we were able to
3 pass the underlying bill out of Committee.

4 "I disagree with him in many areas
5 on the proper way to protect minority
6 rights in this society, but he has shown
7 a far greater sensitivity to these issues,
8 in my experience, than many of his
9 ideological allies."

10 Mr. Chairman, reference has been made to the
11 letter from Alan Simpson, Senator from Wyoming, who is
12 responsible for passage of the immigration bill. And
13 much has been made about what I did and what I didn't do,
14 and whether I worked or whether I didn't work on behalf
15 of people of color. And he said this:

16 "Immigration reform is not the kind of
17 issue that brings one political plaudits.
18 I can personally attest to this fact, since
19 many of my Democratic and Republican
20 colleagues wondered why I spent so much
21 energy on legislation that was bound to
22 unnerve one's normal political allies. This
23 is particularly true in the case of a
24 conservative Republican Congressman working
25 the halls of Congress in behalf of legislation
26 which would legalize an untold number of
27 illegal aliens. However, it is a simple
28 fact that without Dan Lungren's efforts,

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1 that would have been no legalization
2 provision in the Immigration Reform
3 and Control Act of 1986. An amendment
4 offered by Congressman Bill McCullum
5 came within seven votes on deleting
6 entirely the amnesty provision. However,
7 because of Congressman Lungren's stature
8 as the ranking Republican on the
9 Immigration Subcommittee, many of his
10 Republican colleagues looked to him for
11 leadership on this tough question. He
12 strongly supported the legalization
13 program simply because it was the fair
14 and just thing to do. The undocumented
15 population constitute one of the most
16 helpless of all groups within our society;
17 because of their sub rosa status, they're
18 beyond the protection of our labor laws,
19 afraid to report crimes, and sometimes
20 reluctant to seek medical attention. They
21 do not constitute a powerful political
22 constituency, only a group which should not
23 be disregarded. While he had nothing to
24 gain and much to lose politically, Dan
25 Lungren responded to the needs of these
26 very vulnerable human beings."

27 Mr. Chairman, I guess it seems a little strange
28 that someone has to stand before you and say that he is not

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1 all these things some people have said, but I guess
2 that's where we are. I'm happy to do that. I'm happy
3 to talk about my record.

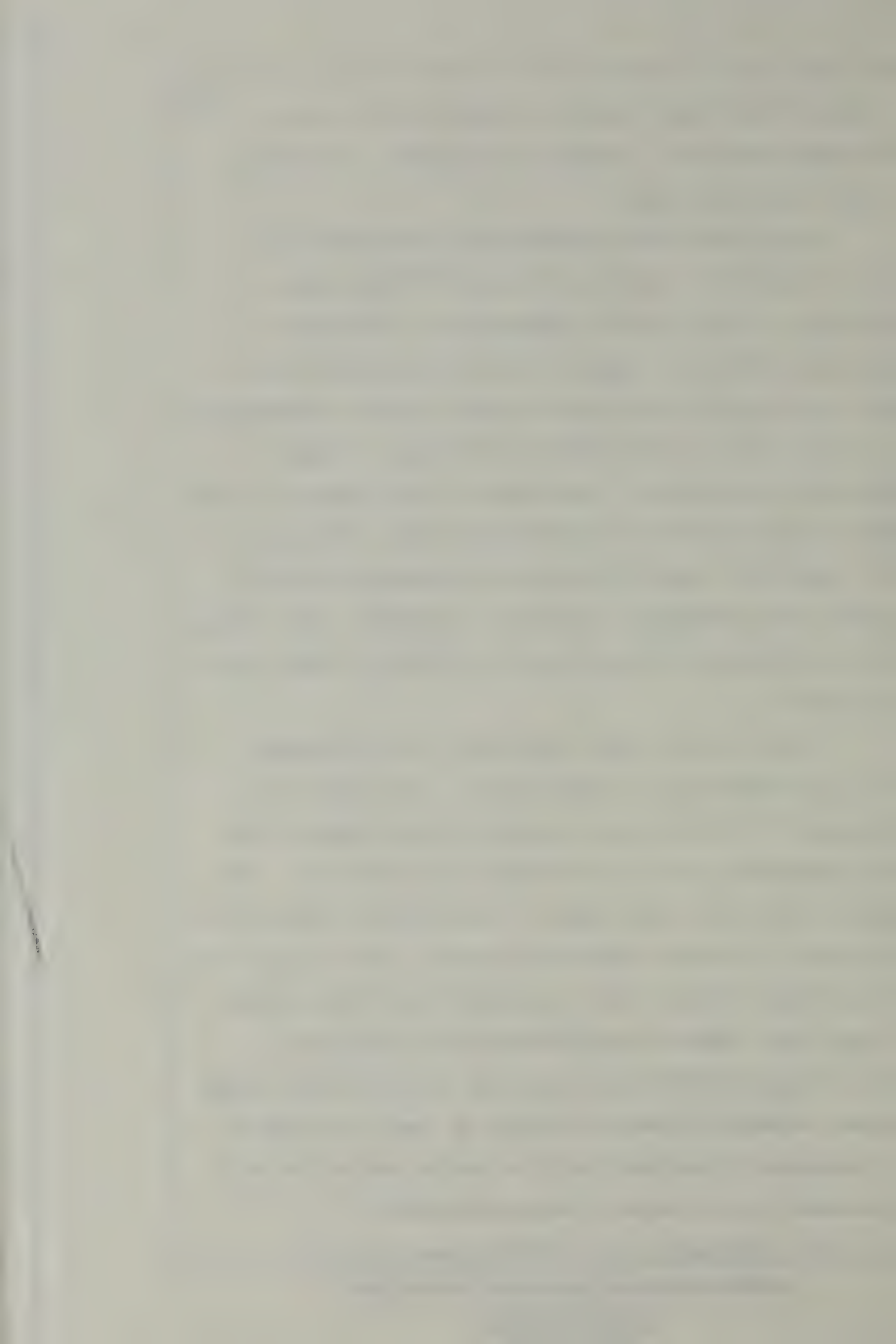
4 But I would hope we would talk about what we
5 want in a person to serve as Treasurer of the State of
6 California. I am fiscally responsible. No one has
7 suggested otherwise. Many of the criticisms that have
8 been allayed against me come from that fiscal conservatism
9 and voting pattern that follows from that. I have
10 attempted in everything I have done in the Congress of the
11 United States to have an open-door policy. No one has
12 ever questioned that in terms of my employment policy,
13 in terms of my willingness to talk to anybody. And I think
14 that the Treasurer of the State of California ought to do
15 that as well.

16 I have hired as the top people in my campaigns
17 and in my congressional office women. I've had women
18 attorneys. I've had women who were in the lowest, from
19 a pay standpoint, job in the office up to the top. I've
20 tried to see to it that women or young men who come to my
21 office and work have a chance to advance. And one of the
22 most pleasing things to me is not that they stay around,
23 but that they receive the training in my office so
24 they have some credibility when they go outside my office
25 and they advance far beyond the pay we can give them or
26 the responsibilities that may lie within the office of a
27 Congressman in the House of Representatives.

28 Mr. Chairman, I am a Californian, born in

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1 California, proud of it. I have a great love for this
2 State as I'm sure you do as well. My children were all
3 born here. My children will always be Californians. I
4 cannot believe that I would for political reasons or
5 personal reasons do anything to jeopardize the future of
6 the State of California.

7 On the contrary, I will try and do everything I
8 possibly can, working with Democrats and Republicans
9 alike, to see what advances we can make towards the future
10 with this State. I am not an antigovernment conservative.
11 I am not an exclusive conservative. I have always
12 attempted to be an inclusive conservative, one who believes
13 deeply in his principles, but one who believes that by
14 coming together, debating tough and hard, openly, above
15 board, no-holds barred, yes, but knowingly, completely
16 that something good comes out of that. That sometimes you
17 can reach a consensus, that there's a lot more that
18 keeps us together than divides us as politicians, as
19 citizens of this State. And I truly, truly believe that.
20 And I intend to make that a legacy of my administration
21 as Treasurer of the State of California.

22 A lot has been said over the last few days. A
23 lot of rough words perhaps have been uttered. I hope
24 that's behind us. I hope that we will be able to judge
25 on a fair and full basis, on an objective basis as to
26 whether I have the qualifications to be the Treasurer of
27 the State of California.

28 I am confident I have those qualifications. As

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1 the Chairman knows, the only poll that I am aware of
2 that's been done in the State of California suggests that
3 on a two-to-one basis, the people of California who have
4 looked at that issue agree with me. The poll also
5 suggests that by more than a five-to-one margin, the
6 people of the State of California do not believe that the
7 judgment should be made either by this Committee or by the
8 full Assembly or the full Senate on partisanship.

9 I recognize partisanship is in these halls. I
10 recognize partisanship is in the halls of Congress. We
11 don't kid ourselves when we talk about that. But that's
12 not the question. The question is can we rise above that
13 partisanship? That's the question.

14 The Constitution, in fact, gives the Governor
15 right in the Constitution the benefit of the doubt on such
16 appointments. Why? Contrary to other confirmations,
17 if nothing is done in 90 days, I'm automatically
18 confirmed. That's a very, very different process than
19 normally takes place. I recognize you have a right to
20 look into my background. Lord knows, you have.

21 I hadn't looked at my college transcript until
22 I received notice that it would be subpoenaed if I didn't
23 turn it over to you. I hadn't looked at my law school
24 transcript. In fact, they had to go and find it.
25 Unfortunately, I went to law school at Georgetown before
26 they put it on computer tape, and they had to go through
27 boxes to find mine. And when I looked at my transcript
28 and saw Ds and Es there, I thought I was going to have to

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1 hide it from my children. Then I realized we'd changed²³²
2 the rating. And D was distinguished and E was
3 exceptional.

4 (Laughter.)

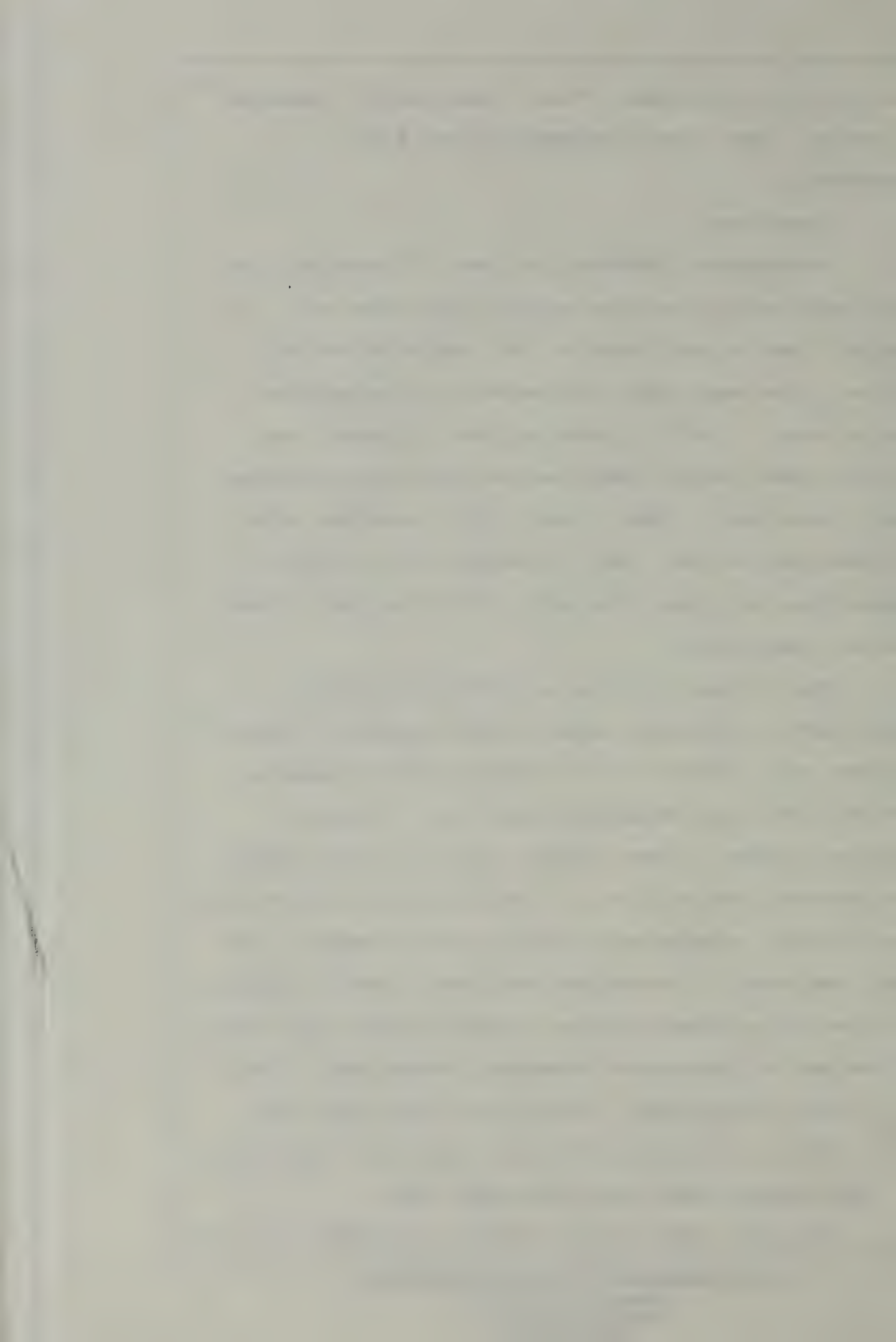
5 CONGRESSMAN LUNGREN: And here I'd been talking
6 to my son about not getting anything less than an A. I
7 thought I was in real trouble. So, you've given me a
8 good -- I even went back and checked on my selective
9 service card. I hadn't looked at that in years. So,
10 you folks have really looked me over from top to bottom.
11 I don't mind that. Take a look. All I'm saying is be
12 fair when you do that. All I'm saying is try and be
13 responsible, fair, and relevant. If you do that, I don't
14 have any complaints.

15 And I guess I'd like to end by giving you a
16 famous quote, a favorite quote of mine, because I think
17 it gives you a little bit of an idea about how someone,
18 such as I, may feel standing before you. I'm not a
19 political virgin. I don't think I'm a political eunuch.
20 I've searched the halls here of Sacramento; I haven't been
21 able to find a single one of those type of people. But
22 I will say this. I am one who has been in there fighting.
23 And I've had to take positions. Maybe I should have come
24 in here as the Immaculate Conception, never seen, never
25 dealt with a tough issue. Maybe that would have been
26 easier for you. But you and I know that's not the way it
27 is. And remember what Teddy Roosevelt said,

28 He said, "It's not the critic that counts, not the

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1 man who points out how the strong man stumbles, or where
2 the doer of deeds could have done them better. The
3 credit belongs to the man who is actually in the arena
4 whose face is marred by dust and sweat and blood, who
5 strives valiantly, who errs and comes short again, and
6 again, because there is no effort without error and
7 shortcoming, but who does actually strive to do the deed,
8 who knows the great devotion, who spends himself in a
9 worthy cause, who at the best knows in the end the
10 triumph of high achievement, and who -- at the worst --
11 if he fails while daring greatly, knows that his place
12 shall never be with those cold and timid souls who know
13 neither victory nor defeat.

14 Thank you very much, Mr. Chairman.

15 CHAIRMAN ROBERTI: Thank you, Congressman.

16 The Chair is open to motions.

17 SENATOR CRAVEN: Mr. Chairman, I move the
18 nomination to the floor.

19 CHAIRMAN ROBERTI: Senator Craven moves the
20 nomination to the floor.

21 SENATOR MELLO: Mr. Chairman, I'd like to offer
22 a substitute motion, that Mr. Lungren's name be referred
23 to the Senate on the floor with a recommendation from the
24 State Rules Committee of nonconfirmation.

25 CHAIRMAN ROBERTI: Senator Mello moves that the
26 nomination -- substitute motion, the nomination be put to
27 the floor with a recommendation of nonconfirmation.
28 Debate from the members. The Chair is open to debate from

1 the members.

2 Well, then let me speak to the motion.

3 Needless to say, Congressman Lungren, we have
4 all gone through an interesting experience. And I think
5 out of fairness to you some points have to be made.

6 First, in doing what we felt is our duty, and that
7 is to peruse your background, your record, and your
8 political positions, almost to the extent that your
9 opposition would if this were an election.

10 We came up with a number of things that were of
11 a great deal of interest. Had we come up with something
12 that was a blemish in your personal career, you can be
13 sure you would have heard about it, and the world would
14 have heard about it, not because we would enjoy doing that,
15 but because we feel it's our duty.

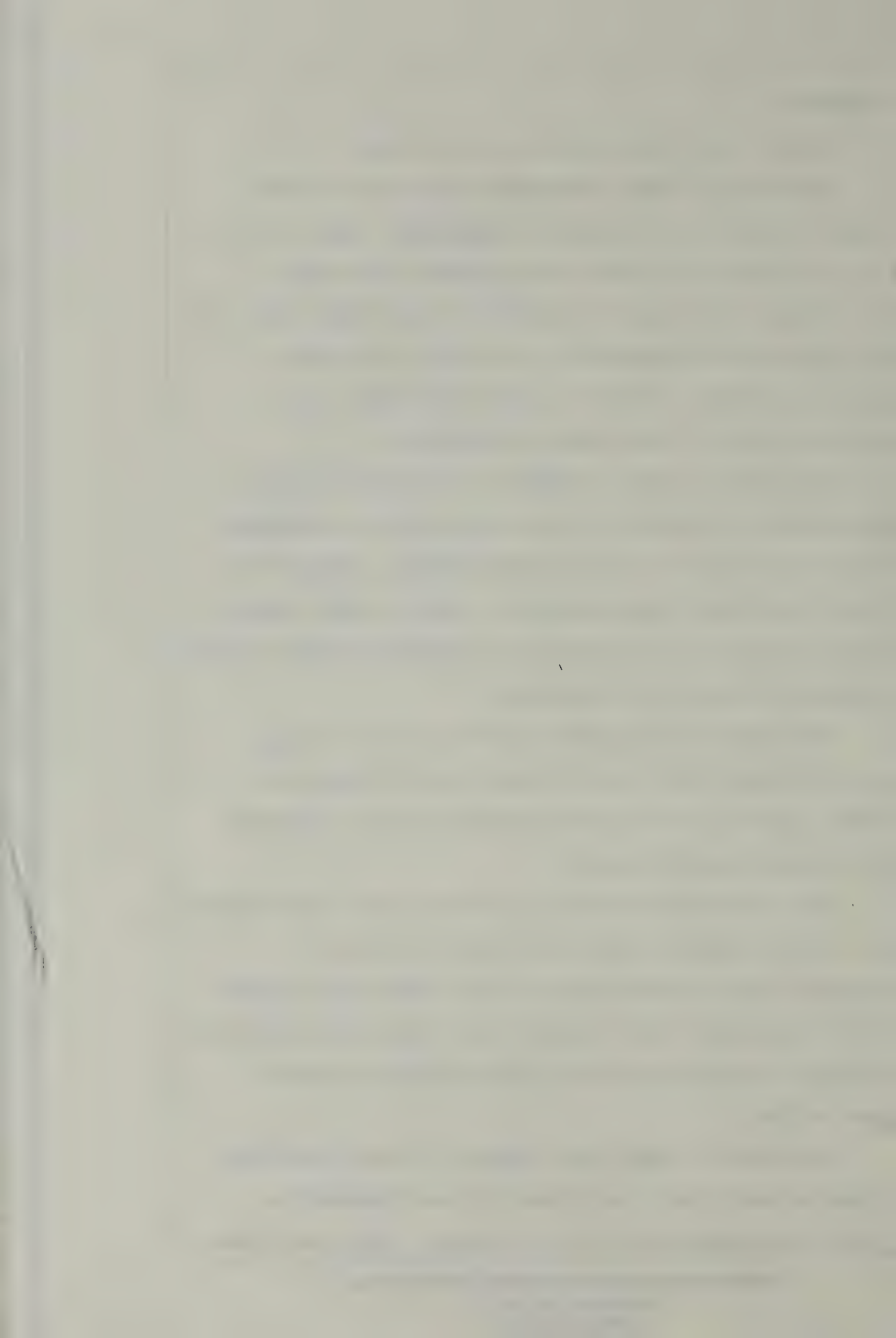
16 The fact of the matter is there is no blemish
17 in your personal life. And I think it's our duty to
18 say that, just as it would be our duty to say otherwise
19 if we had come up with that.

20 So, the fact is we did scrutinize your transcripts,
21 which are very good. And we did scrutinize your
22 background, which is very good. And I think that speaks
23 to you as a person, and I think it's a major qualification
24 for anybody who holds public office no matter what it
25 happens to be.

26 Obviously, after this morning -- more than that,
27 you have a family and a wife who are very supportive
28 of you, even supportive in the trenches. And that speaks

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1 well of you as well.

2 However, you said something in your closing
3 that I would like to take off from, and that is you don't
4 think you should shy away from strongly held principles.
5 Well, neither do we shy away from strongly held
6 principles. We, too, were elected by voters. We, too,
7 feel that we had a mandate. We, too, feel that we have
8 a duty to those people who elected us to speak for the
9 concerns and the cares that they have no matter what
10 the consequences.

11 And we recognize that when we get into these
12 kinds of political battles, if that's what unfortunately
13 may occur, there's a price to be paid by everybody. But
14 we, and if you mind using the word "Democrats," don't shy
15 away from strongly held principles either.

16 Now, I don't agree with all the criticisms that
17 were leveled against you. Some of the things that you
18 spoke to as far as issues are concerned, in a way you
19 articulated resentments that I myself have at times, and
20 maybe have at times overly articulated on the Senate
21 floor. One thing that you were criticized for is the
22 fact that you voted against the Civil Rights Act.

23 If, as you indicated, that would have forced
24 Catholic hospitals to perform abortions, all I can say is
25 I'm glad that that was your decision and not mine,
26 because it would have been a moral conundrum of the
27 worst order for me. And I appreciate the problem that
28 you had and I appreciate the fact that it's a matter that

1 you brought to our attention.

2 But there are some things that hold us together,
3 Democrats -- not in a partisan way, because I think any
4 issue that would put to the public as to should anything
5 be decided on a partisan basis, the attitude or the
6 answer would be no.

7 But in things that we hold together as a shared
8 philosophy that we fight for, that we campaign for, that
9 we struggle for, we Democrats and some Republicans -- but
10 generally, in California, we Democrats believe that there
11 should be a pro-active and activist government to redress
12 grievances and to equalize disparities in society between
13 those who are powerful and those who are not. That's our
14 way of putting the question.

15 I'm sure Republicans would put it in a different
16 way.

17 Now, what we fear about your record is not that
18 you're fiscally conservative, because that's terribly
19 important, especially in a Treasurer. But that in
20 every tough question, just about, not in all cases, in
21 every tough question, just about, the fiscal conservatism
22 takes precedence over the social responsibilities that we
23 also have.

24 Now, it can be argued that, yes, you have to be
25 concerned and you have to care about the financial
26 situation of our nation. And God knows, that's the truth.
27 But there's not a question before us in Sacramento -- and
28 I'm not expert in Washington -- but I would suggest that

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1 the situation is even greater in Washington, that
2 every important issue has a fiscal dimension. There are
3 few things that don't have a fiscal dimension.

4 And then when we hear the litany of bills that
5 you voted against, especially when they have a fiscal
6 dimension -- be it assistance for the homeless, be it
7 minimum standards on Social Security, be it matters of
8 other housing issues that are of concern to us, be it
9 questions that affect the injured children, and I don't
10 say that to say that you're insensitive to children, I
11 don't mean that -- you seem to always vote with the
12 fiscal priority greater than the priority of a pro-active
13 government defending those who otherwise cannot defend
14 themselves.

15 Now, if we Democrats don't believe in that
16 concept of government, then we don't believe in anything.
17 If we put somebody in charge of the monetary bases and
18 strengths of our State Government who is diametrically
19 opposed to us in this very important issue of equalizing
20 disparate forces in society, then what did we stand for
21 election?

22 So, I guess the long and short of it is that
23 we're going to have to take the case to the voters, and
24 we're going to have to take the case to the floor, not
25 on your credibility or nobility as a human being, because
26 that's not before us and it shouldn't be before us, because
27 after hearing you, you are somebody who -- given a change
28 in environment and heredity -- we would have liked to have

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1 had as a Democrat.

2 (Laughter.)

3 CHAIRMAN ROBERTI: But we have to take that
4 case to the floor. We care and we believe in what we
5 stand for and what we stood for. And we hold it dearly.

6 So, I'm going to vote for Senator Mello's
7 motion. I don't think that comes as a great shock. But
8 I don't want you to feel I'm doing it because I hold it
9 personally against you. It's because we feel strongly,
10 just as you do, in what we believe for and, by golly, we're
11 going to fight for it.

12 Senator Ellis.

13 SENATOR ELLIS: On the motion, I'm assuming that
14 the question from this Committee will go to the floor
15 as such that when it appears in the file, that 21
16 positive votes will have to be cast to deny confirmation;
17 is that correct?

18 CHAIRMAN ROBERTI: Well, Senator Mello's motion
19 is to move the bill -- excuse me -- to move Congressman
20 Lungren's confirmation out of this Committee and to the
21 Senate floor. The motion will be put by the Chair in the
22 affirmative. And that is: Shall Congressman -- shall the
23 Senate advise and consent in the confirmation of
24 Congressman Lungren? We believe, quite strongly, that
25 that is the constitutional way that the motion should be
26 put.

27 And that's how the motion's going to be put. Now,
28 one of the witnesses indicated what is no secret to any

1 of us, and that is some people dispute that
2 interpretation of the Constitution. We think it's clear.
3 But we recognize that decent, well-intentioned people may
4 not see it our way, as erroneous as their interpretation
5 may be.

6 So, I don't know where this is going to end up.
7 But we're going to put it on the floor in the affirmative,
8 and that's a subject for the floor to decide. I mean, we
9 live by the rule of 21 votes. We do not live by the
10 rule of the President Pro Tem. Yes, Senator Ellis.

11 SENATOR ELLIS: If the motion on the floor is
12 going to be positive for confirmation, then why are you
13 sending a negative?

14 CHAIRMAN ROBERTI: Well, we're not sending a
15 negative motion. We are sending. We are sending the
16 following motion --

17 SENATOR CRAVEN: That's what he said, Mr. President.
18 That's what we're trying to get clear.

19 CHAIRMAN ROBERTI: No, no, no.

20 SENATOR ELLIS: That's what he said.

21 CHAIRMAN ROBERTI: No, no, no, no. We're putting
22 the motion of the confirmation of Congressman Lungren, or
23 as it will be put on the floor and not in Committee, that
24 the Senate advise and consent in the confirmation of
25 Congressman Lungren -- that motion will be put to the
26 floor.

27 The second part of the Congress -- excuse me --
28 of Senator Mello's motion is that a recommendation of



1 nonconfirmation be made. That is, that the Rules
2 Committee recommends a "no" vote.

3 SENATOR MELLO: Mr. Chairman, if I can just --

4 CHAIRMAN ROBERTI: Yes, Senator Mello.

5 SENATOR MELLO: -- clarify the motion.

6 Our own Senate Rule 47(21) requires that 21 votes
7 be required to confirm appointments by the Governor, and
8 the order in which it is put before the House, the
9 President puts the question: Will the Senate advise and
10 consent to the appointment of the Governor? And that is
11 the question that we will be voting on on the floor based
12 on our own rules.

13 SENATOR ELLIS: I can understand that, but why
14 are you changing -- why are you substituting the motion
15 to make a negative?

16 CHAIRMAN ROBERTI: Well, we could make two
17 motions and that'd make life easier.

18 SENATOR CRAVEN: Why have that in there at all?
19 There's certainly no secret about what we're doing here
20 or have done for three days. There's probably no secret
21 to the effect that David Roberti favors a negative vote
22 as it applies to Congressman Lungren. So, I mean, why do
23 you have to include it? Why can't we just give it to
24 the floor and say, put them up there?

25 CHAIRMAN ROBERTI: Well, I think sometimes,
26 Senator -- I mean I appreciate your advice and I take it
27 every once in a while, sometimes quite often.

28 SENATOR CRAVEN: Not often enough.

1 (Laughter.)

2 CHAIRMAN ROBERTI: But at times, at times you've
3 got to put up or shut up and let the world know where
4 you stand. As Congressman Lungren can easily attest, I
5 don't think any of us know what's going to happen on the
6 floor on Thursday, I mean this next Thursday. Thursday,
7 a week from today.

8 CONGRESSMAN LUNGREN: Mr. Chairman, can I address
9 the --

10 CHAIRMAN ROBERTI: Yes, please, Congressman.

11 CONGRESSMAN LUNGREN: We could get out of this
12 problem. If this were a courtroom, I could move to
13 continue. And if we continued it to March 1st, we'd all
14 be better off.

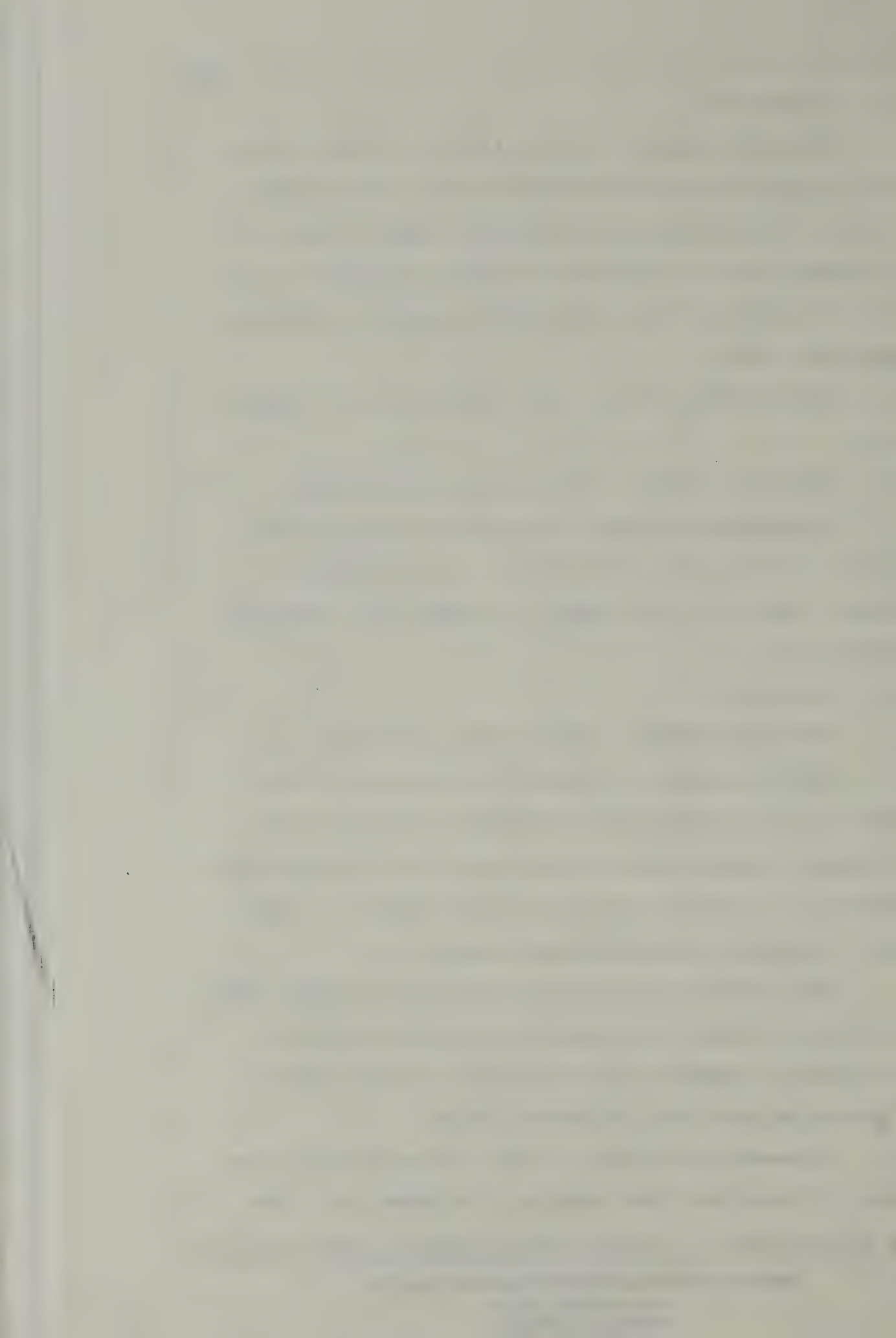
15 (Laughter.)

16 CHAIRMAN ROBERTI: That's what I'm afraid of.

17 SENATOR CRAVEN: I think, Mr. President, both
18 Senator Ellis and myself were somewhat anxious to hear
19 you comment, because that's pretty much tells us what the
20 situation is. And the old adage about whipping a dead
21 horse, I suppose, is somewhat applicable.

22 But I believe that Senator Ellis and myself, after
23 three days of rather excruciating at times testimony,
24 have to make a comment which would have to be against
25 the motion as proffered by Senator Mello.

26 It seems to me that -- well, let me start out by
27 saying: I came into this hearing, I suppose, as a mere
28 babe in the woods. I used to think that the Treasurer was



1 involved with fiscal matters. Well, I've changed that
2 completely, because the Treasurer basically is intended
3 to be a mission. I don't think there's any question about
4 that.

5 The tentacles, which I never could discern
6 emanating from the vault from which he takes and puts all
7 of that money, they have reached out into every nook and
8 cranny of the State of California and they vitally affect
9 every individual in the most personal ways.

10 And strangely, those people who have that
11 feeling, I often wonder how they felt relative to the
12 prior Treasurer. They all thought he was a great fellow;
13 all of us did, the members of this Committee.

14 But I don't recall them ever asking him about
15 this or that or that. I don't know that he ever -- I
16 guess he must have made a bad vote in the Assembly
17 somewhere during his career. But I never recall anybody
18 bringing it to his attention or to the attention of the
19 public at large.

20 I was impressed, to be very honest, and I'm not an
21 easy guy to impress, with Congressman Lungren's responses.
22 He was never at any given time at a loss to explain
23 anything he did. He knew exactly where he was, exactly
24 what he did, and why he did it.

25 Now, are we going to say, because he held strong
26 feelings, that he is not the kind of man we want? Do we
27 want somebody who is just going to do everything we want?
28 He covered it one time when he said, "There are certain



1 budgetary constraints, and we've got to keep those in
2 mind. You just can't give everything to everybody and
3 make it a real Christmas tree."

4 The piper must be paid somewhere along the line.
5 And it takes a man with guts, real guts to stand up and
6 say, "We can't do it."

7 Oh, of course, you could give them the salve and
8 the pap that they love to exist on. Some of them have
9 nurtured on it for years and years. But when somebody
10 has the ability to articulate and the conscience to feel
11 it and say, "No," that's the kind of man I'd like to see
12 running my money. And I think that the people of the
13 State of California are going to agree with me, and I
14 think that they will look upon what we are doing here
15 tonight as a travesty.

16 CHAIRMAN ROBERTI: I want you to know, Congressman,
17 that is by far the best speech that Senator Craven has
18 ever given.

19 Senator Petris.

20 SENATOR PETRIS: Also with the most feeling.

21 Well, I think he's joined the issue very well.
22 I'm not going to make a long comment. I wanted to endorse
23 what Senator Roberti said. I think he articulated the
24 situation that we're in. I particularly want to express
25 my appreciation of meeting -- getting an opportunity to
meet Congressman Lungren and some members of his family
with whom I spoke. And you can't help but admire, as

1 Senator Roberti said, the family picture that's
2 presented here. And it's not just a picture. This is
3 just part of your every day life and your interrelations
4 with each other. And I think it's most admirable.

5 But I think Senator Craven joined the issue.
6 Senator Roberti touched on it briefly. What disturbs us
7 is that it's nice to look at the budget and it's very
8 important, but it seems to us that in far too many cases,
9 the budget crunch was the reason for tilting away from
10 vital social problems for which we have fought many years --
11 a solution of which we have sought for many years, and
12 in favor of cutting the budget.

13 Now, I'm going to find the source. I mentioned it
14 the other day, Congressman Lungren, and I haven't had an
15 opportunity to look it up, but I hope to find it, the
16 report which I saw in some article that indicates that
17 for several years the Congress returned to the President
18 a smaller budget than he asked for. The fight was
19 for realignment, realignment of priorities, reallocation.
20 Less emphasis on defense, more emphasis on other things
21 and so forth.

22 That's all I'm going to say, other than to
23 express my appreciation to you and your family. You're
24 a heck of an advocate, I'll tell you that, and obviously a
25 very challenging adversary. And I'm sure your colleagues
26 enjoy being with you back there, whether they're in your
27 party or the other party. With that, I express my support
28 for the motion and want to repeat that it seems to me the

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TELEPHONE (916) 362-2345

1 motion is -- perhaps it should be restated.

2 CHAIRMAN ROBERTI: The motion is Congressman
3 Lungren's -- that the motion to advise and consent in
4 the confirmation of Congressman Lungren be put to the
5 floor with a recommendation of nonconfirmation.

6 SENATOR PETRIS: Thank you.

7 CHAIRMAN ROBERTI: The secretary -- and that's
8 two votes. This is on the substitute motion, which is an
9 amendment to the main motion. We then have to vote on
10 the main motion afterwards.

11 So, on the substitute motion, an aye vote is in
12 favor of Senator Mello's motion -- substitute motion. A
13 no vote is in opposition.

14 The Secretary will call the roll.

15 MS. WEBB: Senator Ellis?

16 SENATOR ELLIS: No.

17 MS. WEBB: Senator Mello?

18 SENATOR MELLO: Aye.

19 MS. WEBB: Senator Petris?

20 SENATOR PETRIS: Aye.

21 MS. WEBB: Senator Craven?

22 SENATOR CRAVEN: No.

23 MS. WEBB: Senator Roberti?

24 CHAIRMAN ROBERTI: Aye. The vote is 3 to 2.
25 Senator Mello's substitute motion carries. Now we are
26 voting on the main motion as amended.

27 We checked the rules on a similar problem a couple
28 of months ago, and we have to vote twice.

1 An aye vote is in favor of the motion as
2 amended. A no vote is opposed.

3 SENATOR PETRIS: As amended.

4 CHAIRMAN ROBERTI: As amended. In effect, it's
5 the second vote on Senator Mello's substitute motion.
6 The Secretary will call the roll.

7 MS. WEBB: Senator Ellis?

8 SENATOR ELLIS: No.

9 MS. WEBB: Senator Mello?

10 SENATOR MELLO: Aye.

11 MS. WEBB: Senator Petris?

12 SENATOR PETRIS: Aye.

13 MS. WEBB: Senator Craven?

14 SENATOR CRAVEN: No.

15 MS. WEBB: Senator Roberti?

16 CHAIRMAN ROBERTI: Aye. The vote is 3 to 2. The
17 motion carries.

18 Senator Greene wants to enter into the record.

19 SENATOR GREENE: Mr. Chair and members, I had
20 not planned to participate or say anything, but the
21 Congressman made several statements which I resent, and
22 which I think are cheap, an attempt to give an
23 implication of attitude and opinion of two of my
24 Congressmen -- Congressman Hawkins and Congressman Dymally--
25 the fact that they voted the same on an issue has no
26 bearing, because let me assure you that every minority
27 member of the California delegation feel like all, but
28 two, minority members of the California Legislature -- is

1 that if he were running in our communities, he would
2 get zero if he were the Pope or the President of the
3 Federal Reserve. He would not get our vote.

4 Now, let me indicate to you, I think this is
5 intentional by people of his ilk -- they attempt to imply
6 by direction that there is some connection between -- he
7 did not mention any majority in the Anglo legislators,
8 only minorities.

9 CHAIRMAN ROBERTI: Thank you.

10 SENATOR GREENE: Let me tell you what these
11 Congressmen feel about him --

12 CHAIRMAN ROBERTI: Thank you. We are now --

13 SENATOR GREENE: -- they do not trust his word,
14 they'd say --

15 CHAIRMAN ROBERTI: We are now adjourned, Senator.

16 (Thereupon the hearing was adjourned
17 at 7:00 p.m.)

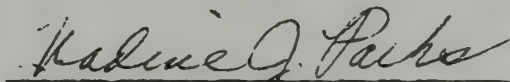
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CERTIFICATE OF SHORTHAND REPORTER

I, Nadine J. Parks, a shorthand reporter of the State of California, do hereby certify that I am a disinterested person herein; that the foregoing hearing before the Senate Rules Committee was reported in shorthand by me and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have set my hand this 22nd day of February, 1988.


Nadine J. Parks
Shorthand Reporter

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**THE MARTIN LUTHER KING, JR. CENTER
FOR NONVIOLENT SOCIAL CHANGE, INC.**

449 Auburn Avenue, N.E., Atlanta, Georgia 30312 (404) 524-1956

March 8, 1984

The Honorable Daniel E. Lungren
United States House of Representatives
Washington, DC 20515

Dear Representative Lungren:

I want to take this opportunity, though belated, to express my profound thanks and appreciation for your sponsorship and enthusiasm in making the King Holiday possible. We were all blessed to be able to witness an historic event with the signing of the King Holiday Bill, and although it took only moments to accomplish in a public ceremony, you and I know that it reflected some fifteen years of unflinching, dedicated commitment from thousands of believers in Martin's Dream. We will always be grateful for your leadership and determination to see this legislation pass.

Our challenge now remains one of assuring that the holiday remains true to what Martin represented. No other holiday serves as a focal point for encouraging improved race relations and as a means for helping to unify America and its people in the spirit of Martin's Dream. Now more than ever, The King Center accepts the challenge and must continue to assume a major leadership role in the proper implementation of the holiday legislation. We must find the financial wherewithal, through a special Congressional appropriation or through private resources, to prepare for the proper observance of the birthday in 1986. Among other things, we want Americans to be encouraged to fly the flag on Martin's birthday, for he was truly an American hero.

I would welcome your recommendations on how we can best prepare for 1986, in order to make certain that the holiday remains a positive and constructive force in the lives of Americans and people all over the world.

Sincerely,

Coretta Scott King
Coretta Scott King

/bjt

THE WHITE HOUSE
WASHINGTON

August 26, 1983

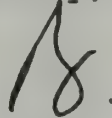
Dear Dan:

Thank you for your August 5 letter, which you cosigned with 27 of your Republican colleagues, urging the President's support for legislation creating a legal public holiday honoring Dr. Martin Luther King.

We very much appreciate having your comments and we have transmitted your recommendation to the President's advisory staff members. Let me assure you that your thoughts in this regard are receiving careful review and consideration.

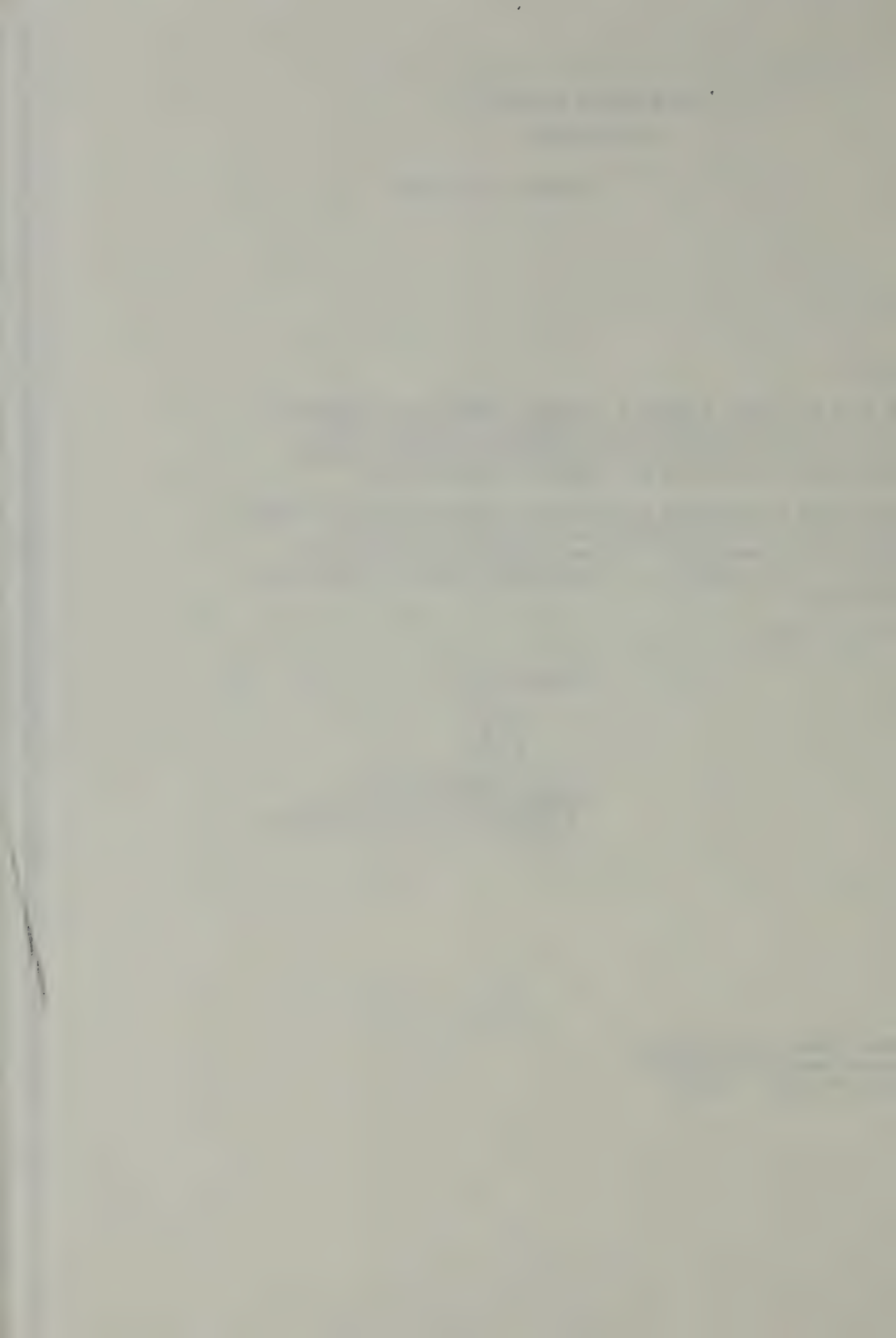
With best wishes,

Sincerely,



M. B. Oglesby, Jr.
Deputy Assistant to the
President for Legislative
Affairs

The Honorable Dan Lungren
House of Representatives
Washington, D.C. 20515



Congressional Black Caucus

H2-344 House Annex #2

Washington, D.C. 20515

202 — 226-7790

Dan:
FYI
Sid

August 3, 1983

Honorable Dan Lungren
U.S. House of Representatives
328 Cannon HOB
Washington, D.C. 20515

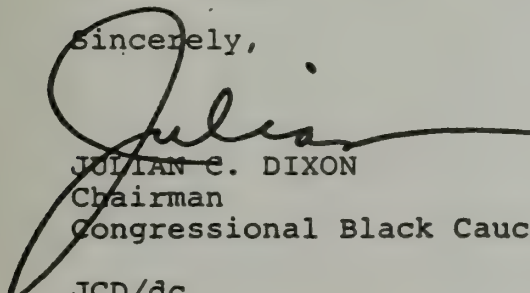
Dear Dan:

As Chairman of the Congressional Black Caucus, I would like to express the appreciation of our 20 Members for your vote in favor of the Martin Luther King holiday bill.

This victory was made possible by substantial majorities from both parties who supported this recognition of Dr. King's philosophy and achievements. It is our hope that the Senate and the President will take note of the strong bipartisan sentiment expressed in behalf of this measure, and move to consider this bill after the August recess.

Without your vote this victory would not have been possible, and I speak for all of the Members of the Congressional Black Caucus in saying that August 2nd will be remembered as one of the most rewarding days in our history. We are grateful for your partnership in the effort to establish a national holiday in honor of Dr. Martin Luther King.

Sincerely,


JULIAN C. DIXON
Chairman
Congressional Black Caucus

JCD/dc

C. Dixon, Calif., Chairman
W. Leland, Tex., 1st Vice-Chairman
M. H. Gray, Ill. Pa., 2nd Vice-Chairman
Rus. Towns, N.Y., Secretary
S. Collins, Ill., Treasurer

Stus F. Hawkins, Calif.
Conyers, Jr., Mich.
M. L. Clay, Mo.
Stokes, Ohio
D. V. Dellums, Calif.
E. Fauntroy, D.C.
J. Mitchell, Md.
B. Rangel, N.Y.
D. E. Ford, Tenn.
W. Crockett, Jr., Mich.
M. Dymally, Calif.
Savage, Ill.
Hall, Ind.
R. Owens, N.Y.
Wheat, Mo.



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

JOHN CONYERS, JR.
1ST DISTRICT, MICHIGAN

August 10, 1983

Hon. Dan Lungren
U.S. House of Representatives
323 Cannon HOB
Washington, D. C. 20515

Dear Dan:

I was so very heartened by your vote for the Martin Luther King, Jr. National Holiday Bill and the overwhelming support in the House. This action is a landmark in the history of the civil rights movement, and you helped make this possible.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Conyers, Jr.", written over the typed name.

John Conyers, Jr.
Member of Congress



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HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

KATIE HALL
FIRST DISTRICT
INDIANA

August 4, 1983

Dear Dan,

I would like to take this opportunity to thank you for your major contribution to making House passage of the Martin Luther King Holiday a reality.

It took many people a long time to achieve this monumental step, but your help in garnering the support we received was invaluable.

Again, thank you and best wishes.

Sincerely,

A handwritten signature in cursive script that reads "Katie Hall".

Katie Hall

4-A



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

DENNIS E. ECKART
OHIO

August, 1983

Honorable Dan Lungren
328 Cannon
Washington, D.C. 20515

Dear Dan:

I want to take this opportunity to commend you for your remarks on the floor August 2 in support of establishing a federal holiday in memory of the achievements and historical contributions of Dr. Martin Luther King, Jr.

I listened with great interest to the debate on this legislation, and I was impressively struck by the sincerity of your remarks on what has been a difficult issue for the Congress in the past.

Your thoughtful comments did not go unnoticed by this Member on the other side of the aisle.

Sincerely,

A handwritten signature, appearing to be "Dennis E. Eckart", enclosed within a large, hand-drawn oval.

DENNIS E. ECKART
Member of Congress

DOCUMENT NUMBER SIX

(TO BE ADDED)

(Telex from Rev. Father
Hesberg, Notre Dame)

PETERS SHORTHAND REPORTING CORPORATION

3336 BRADSHAW ROAD, SUITE 240
SACRAMENTO, CALIFORNIA 95827
TELEPHONE (916) 362-2345

My name is Fred Yoshio Hirasuna. I am an American citizen of Japanese ancestry. My parents were immigrants from Hiroshima, Japan. My father was admitted to the United States in 1900, my mother in 1903. I was born in Lodi, California, February 11, 1908. I have lived in California all of my life except for a period of five and one half years, during which time I and my family were evacuated from the state. I am presently a resident of Fresno, California. I am presenting this testimony as an individual, who, together with his entire family, suffered the economic losses, the traumas and the hardships of evacuation. In the year, 1942, after Pearl Harbor, I suddenly found myself in charge of, and making the hard decisions for, an extended family consisting of my father and mother, my sister, my sister-in-law, my wife and three children, age 6 years, 3 years, and an infant boy who was born in February of 1942.

In view of the number of participants who have addressed and who will address other phases of Congressman Lungren's record, I will confine my remarks to his position against the payment of reparations to Americans of Japanese ancestry who were interned during World War II.

Congressman Lungren was a member of the Commission on Wartime Relocation and Internment of Civilians (CWRIC), a commission authorized by Congress to investigate the evacuation and internment of some 115,000 American citizens of Japanese ancestry and legal Japanese alien residents of the United States. My understanding is that Congressman Lungren agreed with the conclusions of the Commission: that evacuation and internment was largely the result of "race prejudice, war hysteria and a failure of political leadership;" however, he did not, and still does not, believe that individual reparations, as recommended by the Commission, should be paid.

By his speeches and interviews, subsequent to the findings of the Commission on Wartime Relocation and Internment of Civilians to which he agreed wholeheartedly except for the payment of redress, he has justified, if not condoned, the actions of our government in interning Japanese Americans because of the very war hysteria that he had previously condemned. He has justified the non-payment of individual redress because he believes that the Evacuation Claims Act of 1948 paid all justifiable claims for loss of property, because of the precedent that it might set for claims from other wronged minorities, and because of the present precarious fiscal condition of the national treasury.

I believe that Congressman Lungren is an honest person and that he is sincere in his belief that reparations should not be paid for the reasons that he has stated; however, I feel that he is seriously flawed in his reasoning. I question his rationale for condemning the program of individual reparations.

The Evacuation Claims Act of 1948 paid only a fraction (estimated at 10%) of the 26,522 claims presented, less than \$37 million. The total economic loss in 1942 dollars was estimated to be at least \$400 million by the Federal Reserve Bank of San Francisco. Some 90,000 claims were not submitted. In terms of 1983 dollars, the losses of income and property, compounded by inflation, have been estimated to be between \$2.7 billion and \$6.2 billion.

By 1950, when payments were made under the Evacuation Claims Act, most evacuees, only four years out of internment camps, were in dire economic straits. For all practical purposes, they were forced to accept any amount that the government chose to give them for compensable items as arbitrarily determined by the government. As a condition of the compromised settlement, a ceiling of \$2,500 or 75% of the value of compensable items, whichever was the less, was established. An appellate court at that time stated: "We are not mindful of the hard choice to which Congress put the evacuees. By forcing them to choose between a ready administrative remedy and a costly court suit, Congress effectively forced evacuees to settle for half a loaf rather than fight for what the Constitution declares to be theirs by right."

But, even more important than economic redress, were the loss of liberty, the breakup of families, and the illness and deaths caused by the privations of internment.

In 1971, some 7,000 Vietnam war protestors marched on Washington. Many were confined in the Robert J. Kennedy Stadium for a maximum of four days. A district court awarded damages of \$2 million and payments ranging from \$50 to \$1,800 were made to some 1,200 protestors for illegal deprivation of freedom.

Even allowing for the differences between the death camps of Nazi Germany and the internment of Japanese Americans, the United States was instrumental in pressuring West Germany not merely to apologize, but also to pay restitutions to the families of Jewish victims. West Germany has paid \$25 billion and is yet to pay another \$20 billion. The United States is urging Poland, the poorest of the East bloc nations, to pay a similar type of restitution to Jews for their experiences in Polish prison camps during World War II. Apologies and admissions of wrongdoing by the government of West Germany were not considered sufficient restitution by our government.

Congressman Lungren has contended that monetary redress would establish a bad precedent and make for claims from other minorities: American Indians, black Americans, Chinese, and

German Americans for abuses suffered during World I. Claims have been filed by other minorities. Congress has, in the past, authorized payments for damages, notably in the case of American Indians.

It was explained by our Governor's office to Stephen Nakashima, a Republican and an attorney, that, according to Congressman Lungren, his opposition to the compensation portion of redress was due solely from the fiscal standpoint, which was in line with his reputation as a fiscal conservative.

Congressman Lungren takes pride in his reputation as a fiscal conservative. I, too, am a Republican. I voted twice for President Reagan in his presidential campaigns and for Governor Deukmejian in his gubernatorial campaign. I, too, consider myself a fiscal conservative, but when our government violates the provisions of the Bill of Rights of our Constitution, it goes beyond fiscal conservatism to deny payment of just claims. This would make the Constitution a worthless scrap of paper.

Eunice Sato, former mayor of Long Beach, is quoted as saying: "...no amount of money can compensate for the horrendous error. Placing a dollar amount on the loss of liberty is impossible--a misguided notion that the dollar sign is the only genuine, lasting and permanent solution."

Harry Kubo, president of the Nisei Farmers League, in his testimony before a Congressional committee stated: "...outright payments ...will not and could not be accepted by most of the Issei and their offspring, the Nisei, without a feeling of disgrace--that they are in some way being 'bought off.' No sum of money will replace or repay the loss of freedom during internment."

Contrary to Congressman Lungren's opinion, based on such statements, that a great number of Americans of Japanese ancestry oppose redress payments, we are of the opinion that the overwhelming majority does not agree with Sato or Kubo. We do not think that it is a disgrace to demand and accept payment for the violation of our rights. This is the American way.

We believe with Congressman Robert Matsui who stated: "The logic of compensation goes far beyond simple economics. Our legal tradition provides us with the system of damage compensation to stress the notion of accountability. If we can make it absolutely clear that people

will be held accountable for their actions, we can hope to deter such actions in the future. When the actions are taken by our government, it is particularly important to stress that we will hold it accountable for its actions.

"Some will argue that there were extenuating circumstances, that our national government acted in what it believed to be everyone's interest. But I contend that nothing a government does is inherently above the law. All actions, including those of our leaders, must be subject to the constraints established by the Constitution."

The Fresno Bee, widely known and quoted for its advocacy of evacuation and internment in 1942, recently editorialized on September 18, 1987: "Of course, no sum of money can undo the wrong done. Indeed that judgment and the belief that most internees would regard any nominal sum as an insult, persuaded The Bee in the past to oppose direct individual payments. Since then, every Japanese American organization has welcomed the Matsui proposal (individual payments of \$20,000) as an appropriate one. For that reason, and in recognition of the fact that money, too, has its symbolic value, we have changed our minds and support HR 442. If payment helps to convey serious intent, to state in more than just words, that the U.S. government was wrong in 1942 and now wants to atone for its offense, however inadequately, then it is justified."

The basis of American jurisprudence is founded upon the principle of monetary redress. Congressman Lungren has asked: "Do we truly believe that nothing can be genuine unless it involves the coin of the realm? Have we reached such a state in our society that unless money is exchanged, the sincerity of our expression is brought in question?"

I ask him: "If we are not able to pay our taxes because of financial difficulties, would our government, federal or state, accept apologies instead of payment? Would our courts accept apologies in lieu of fines or imprisonment? Would German Americans or Italian Americans with as little as 1/16th enemy blood (Germany and Italy were also enemy nations in World War II) have been satisfied with only apologies if they and their families had been deprived of their possessions and interned for the duration of the war, solely because they had German or Italian blood in their veins?"

Congressman Lungren gives the precarious condition of the national budget as a legitimate reason for not paying redress. "Would he, as State Treasurer, accept apologies for the non-payment of taxes? If the State were in financial difficulties, would he refuse to pay

legitimate claims against the State? Would he allow popular sentiment, no matter how wrong, to cloud his judgment in executing the duties of his office?"

The evacuation and internment constitute the most flagrant violation since the Civil War of the civil rights guaranteed by our Constitution. Martial law, which would have applied to everyone as in the case of Hawaii, was not declared in the western states. The U.S. government does not have the right to abrogate the Constitution ON AN ETHNIC BASIS no matter what the national emergency.

The proposed \$20,000 individual monetary payment is an important symbolic recognition of the personal suffering loyal Americans were forced to experience. The total of \$1.2 billion will leave a lasting impression on the nation that constitutional rights cannot be violated cheaply.

The bottom line is this: Our government, in serious error, contravened the basic principles established in the American Constitution. It acted illegally in interning Americans solely because of their Japanese ancestry, no matter what the extenuating war time circumstances posed by Congressman Lungren. The Bill of Rights should apply to all Americans, regardless of race, religion, national origin or economic status. Redress to those individuals who were illegally interned is clearly indicated by law. It is justice under the American Constitution and should be paid.

Let me repeat: We were American citizens and our parents were legal alien residents, accused of no crime except that of ancestry, torn from our homes, deprived of our belongings, confined in internment camps for the duration and then turned loose after the war to fend for ourselves in hostile communities-- to try to rebuild our lives from the very bottom. And it was a hard struggle. Not only did we lose the internment years. It took many of us five, ten, fifteen, twenty years and more to re-establish ourselves in the post-war economy. Some evacuees never made it back. In my own case, in the early years of our return, there were many times when it seemed that our struggle to establish a business was doomed to failure. There were many times when I wondered if I would be able to feed the family and educate our kids.

We managed to educate our four kids, not in the way we wanted to, but in the best way that we could afford. I regret that I was not able to give my parents, both deceased many years ago, the comforts that they so richly deserved in the twilight years of their hard lives.

I am an American citizen. As a child, still in grammar school, when it became possible to do so, I asked my father to cut off my dual Japanese citizenship. I answered "YES" to both of the loyalty questions requested by our government. On August 7, 1944, I wrote to my draft board, Local 124 in Fresno, requesting it to reclassify my draft status of 4 C, a classification generally given to aliens ineligible to military service, and a safe haven from military service. I told the board: "As an American citizen ready to assume all the obligations of that citizenship, I have long felt that this classification should never have been applied to my case."

I am now 80 years of age. Statistically I do not have many years left. I have kept my faith. Before I die, I want my government to justify the faith that I have maintained in it and the American Constitution. I want my government to acknowledge and officially apologize for the great constitutional wrong inflicted on a defenseless minority. I want my government to make this symbolic payment of redress to restore my faith that when a great democracy makes mistakes, it has the courage, the moral courage, to acknowledge the wrong that it has committed, and the will to right that wrong.

Congressman Lungren, while freely acknowledging the violation of the constitutional rights of Americans of Japanese ancestry, does not seem to have the courage to look beyond the fiscal problems of the government. He does not seem able to reconcile his moral philosophy with his fiscal conservatism. He does not seem to understand, or does not wish to understand, that this gross violation of constitutional rights deserves more than a mere apology. An official apology is due, but the symbolic payment of redress is equally important.

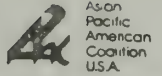
In the words of the Fresno Bee: "...In recognition of the fact that money, too, has its symbolic value....If payment helps to convey serious intent, to state in more than just words, that the U.S. Government was wrong in 1942, and now wants to atone for its offense, however inadequately, then it is justified."

In order to qualify for the high, responsible office of State Treasurer, Congressman Lungren must demonstrate that he will have the courage to insist upon justice, and not let fiscal conservatism control all of his actions.

Fred Y. Hirasuna,
Fresno, CA 93711



Asian
Pacific
American
Coalition
U.S.A.



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San Francisco, CA 94110
(415) 362-0323

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Since 1981

February 17, 1988

Senator David Roberti, Chairman
Members of the Senate Rules Committee
Sacramento, California 95814

Re: Mr. Dan Lungren

Dear Senator Roberti and Members of the Senate Rules Committee:

Asian Pacific American Coalition/USA is a California-based national association of over 600 independent Asian Pacific American endorsing and member organizations. Our purposes include advocacy for and preservation of civil rights and social justice for all Americans with particular focus on those Americans of Asian Pacific ancestry.

Our national board of governors on December 6, 1987 -- mindful of the fact that the California State Treasurer's duties include participation on over 40 boards and commissions that address issues and adopt policies concerning housing, environment, economic development, and the quality of life of the diverse and heterogeneous populations collectively known as California -- voted unanimously to oppose the confirmation of nominee Mr. Dan Lungren as State Treasurer.

Our opposition is based upon Mr. Lungren's long-held attitudes, behaviors, and most importantly his voting record which at its worse may be characterized as anti-civil rights, anti-minority, and anti-women, anti-immigrant, anti-elderly and anti-poor; and at its best profoundly insensitive and ignorant of the needs and plight of ethnics of color, females, frail seniors, new Americans and the poverty-stricken.

For example, Mr. Lungren in 1980 voted against the Fair Housing Act (HR 5200) which embodied key enforcement provisions to strengthen federal fair housing laws -- that bill was one of the most important pieces of civil rights legislation of the period.

Similarly Mr. Lungren in 1981 sought unsuccessfully to dilute the Voting Rights Extension Act through an amendment process.

Again in 1984 and 1987 he supported efforts to decrease or eliminate funds for the Legal Service Corporation which provides legal representation of the poor.

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February 17, 1988
Page 2

Finally, at a time when anti-Asian bigotry and violence was rampaging across our state and nation, a period when ugly anti-Semitism and racial conflicts of the "Howard Beach" type are prevalent, a decade where Neo-nazi and white supremacist hate groups are growing and boldly visible -- Mr. Lungren last fall opposed in the House Judiciary Committee HR 3193 -- The Hate Crime Statistic Act -- a bill providing for the documentation and reporting of religious, national origin, or racial based crimes; this measure is widely supported as the first and most effective hate crime deterrent step by not only the diverse populations suffering hate crimes but by top law enforcement officials and agencies such as our Attorney General and the New York Police Chief Commission and Department.

Our organization believes that Mr. Lungren does not possess the sensitivity nor the competence to administer policies fairly for the heterogeneous communities that comprise and enrich our great State. We urge you to reject the nomination of Mr. Lungren to the position of State Treasurer.

Sincerely,

Allan L. Seid, M.D.

ALLAN L. SEID, M.D.
National President

TESTIMONY OF
RAUL YZAGUIRRE, PRESIDENT
NATIONAL COUNCIL OF LARAZA
BEFORE THE
SUBCOMMITTEE ON ENERGY AND ENVIRONMENT
OF THE
COMMITTEE OF INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES
MAY 16, 1985

MR. CHAIRMAN AND HONORABLE MEMBERS OF THE SUBCOMMITTEE. MY NAME IS RAUL YZAGUIRRE. I AM THE PRESIDENT OF THE NATIONAL COUNCIL OF LA RAZA. THE NATIONAL COUNCIL OF LA RAZA (NCLR) IS ONE OF THE NATION'S LARGEST HISPANIC TECHNICAL ASSISTANCE AND ADVOCACY ORGANIZATIONS. HEADQUARTERED IN WASHINGTON, D.C., THE NCLR EXISTS TO IMPROVE LIFE OPPORTUNITIES FOR THE MORE THAN 15 MILLION AMERICANS OF HISPANIC DESCENT. NCLR'S PRIMARY CONSTITUENCY CONSISTS OF NEARLY 100 AFFILIATED HISPANIC COMMUNITY-BASED ORGANIZATIONS, LOCATED IN 19 STATES, PUERTO RICO, AND THE DISTRICT OF COLUMBIA.

I AM HERE TODAY TO ADDRESS THE APPROPRIATENESS AND TIMELINESS OF THE FEDERAL OFFSHORE LEASING PROGRAM AND TO COMMENT ON RECENT ACCUSATIONS CHALLENGING HISPANIC AND BLACK INVOLVEMENT IN THE OCS PUBLIC POLICY MAKING PROCESS. THE NCLR ALONG WITH MANY OTHER PROMINENT HISPANIC ORGANIZATIONS HAVE BEEN INVOLVED IN VIEWING ENERGY AS A POLICY AND ECONOMIC ISSUE OF MAJOR IMPORTANCE.

I AM STRUCK BY RECENT ACCUSATIONS MADE BY MEMBERS OF THE CALIFORNIA CONGRESSIONAL DELEGATION AND ENVIRONMENTAL COMMUNITY, TO THE EFFECT THAT HISPANIC AND BLACK SUPPORTERS OF OFFSHORE DEVELOPMENT ARE "BOUGHT AND PAID FOR" BY THE OIL INDUSTRY.

ALLOW ME TO DISPEL THESE INSENSITIVE REMARKS THAT CHALLENGE AND DISCREDIT THE LEGITIMATE ROLE OF HISPANICS ON THIS MOST CRITICAL PUBLIC ISSUE.

IN 1980, THE SECOND NATIONAL HISPANIC LEADERSHIP CONFERENCE RECOMMENDED AND ADOPTED IN PLENARY SESSION A RESOLUTION WHICH CALLED FOR "A NATIONAL ENERGY POLICY (WHICH EMPHASIZED) ENERGY CONSERVATION, INCREASED EFFICIENCY IN THE USE OF ENERGY, DEVELOPMENT OF ALL TYPES OF DOMESTIC ENERGY RESOURCES...(ENCOURAGED) HISPANICS TO PLAY AN ACTIVE ROLE IN SUPPORTING POLICIES WHICH INCREASE DOMESTIC

ENERGY AVAILABILITY WHILE MAINTAINING ADEQUATE ENVIRONMENTAL STANDARDS
TO LOW-INCOME HOUSEHOLDS..."

THE FOLLOWING POINTS WERE ARRIVED AT IN FOLLOW-UP SURVEYS:

- THE HISPANIC COMMUNITY NEEDED ENERGY INFORMATION
- THE ENERGY INDUSTRY SHOULD BECOME SENSITIZED TO THE CONCERNS
AND NEEDS OF HISPANIC CONSUMERS
- THE PARTICIPATION OF HISPANICS WITHIN THE INDUSTRY WAS
BASIC TO THIS EFFORT
- HISPANIC LEADERS GENERALLY LACKED INFORMATION ON INDUSTRY
AND ENERGY ISSUES
- HISPANIC LEADERS SERVE AS A LINK BETWEEN "MAINSTREAM
AMERICA" AND THE HISPANIC COMMUNITY AND SHOULD BE CONSULTED AND
INFORMED ON MATTERS PERTAINING TO THE INDUSTRY.

SINCE THIS TIME OTHER NATIONAL HISPANIC ORGANIZATIONS HAVE HELD CONFERENCES
THAT ADDRESSED THE SIGNIFICANCE OF ENERGY AWARENESS AND THE NECESSARY
INVOLVEMENT OF HISPANICS.

IN 1980, THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, THE NATION'S OLDEST AND
LARGEST HISPANIC ORGANIZATION, CONVENED A NATIONAL ENERGY CONFERENCE IN DENVER,
COLORADO. FOR OVER A WEEK THE PARTICIPANTS EXAMINED AND DISCUSSED THE
"NATIONAL ENERGY PROBLEM, PAST, PRESENT AND FUTURE."

IN THE 1981 LULAC STUDY, IMPACT OF ENERGY POLICY ON THE HISPANIC COMMUNITY
TO THE YEAR 2000, THE LULAC NATIONAL ENERGY TASK FORCE EXPRESSED CONCERN

"THAT A STAGNANT ECONOMY FOSTERED BY LACK OF ENERGY DEVELOPMENT (WOULD) RESULT
IN A SERIOUS DECREASE IN NEW JOB OPPORTUNITIES. ADDITIONALLY, CONTINUED LAGS

IN REACHING FULL ENERGY PRODUCTION CAPACITY WOULD RESULT IN LAYOFFS AND WORK STOPPAGES. THIS POETNTIAL EFFECT ON INCOME DERIVED THROUGH ENERGY-RELATED JOBS AND ENTREPRENEURIAL ACTIVITY WOULD HAV A HIGHLY NEGATIVE IMPACT ON HISPANIC ECONOMIC WELL-BEING."

IN 1981, THE HISPANIC ENERGY FORUM WAS FORMED AND COMPOSED OF HISPANICS IN THE ENERGY INDUSTRY WHO HAD INTEREST IN ENERGY AWARENESS AND ISSUES AS THEY IMPACT AMERICANS OF HISPANIC DESCENT.

IN DECEMBER OF 1982, THE HISPANIC ENERGY FORUM AND NATIONAL ASSOCIATION OF LATINO ELECTED OFFICIALS (NALEO) HOSTED THE "FIRST NATIONAL HISPANIC STATE LEGISLATORS CONFERENCE ON ENERGY" IN ALBUQUERQUE, NEW MEXICO. NUMEROUS HISPANIC LEGISLATORS AND EXECUTIVES FROM ENERGY COMPANIES CAME TOGETHER TO IDENTIFY ISSUES OF NUTUAL CONCERN.

SINCE THESE IMPORTANT CONFERENCES AND FORUMS, NUMEROUS OTHER HISPANIC LEADERS AND ORGANIZATIONS HAVE BECOME INFORMED, DEBATED AND TAKEN FORMAL POSITIONS ON KEY ENERGY ISSUES. HISPANIC LEADERS AND ORGANIZATIONS WHO HAVE ENDORSED OFFSHORE DEVELOPMENT ARE LISTED:

-MARIO OBLEDO, NATIONAL PRESIDENT OF LULAC

-DR. ANITA DEL RIO, VICE PRESIDENT, FAR WEST REGION OF LULAC

-CALIFORNIA CHAPTER OF LULAC

-EDUARDO BERNALDEZ, NATIONAL CHAIRMAN OF THE AMERICAN GI FORUM

-JAKE ALARID, FORMER NATIONAL CHAIRMAN OF THE AMERICAN G I FORUM

-HECTOR BARRETO, PRESIDENT OF THE UNITED STATES HISPANIC CHAMBER OF COMMERCE

-SERGIO BANUELOS, PRESIDENT, CALIFORNIA HISPANIC CHAMBERS OF COMMERCE

THESE ARE EXAMPLES OF THE GROWING SUPPORT, AND RECOGNITION OF THE NEED TO CONTINUE AN OFFSHORE LEASING PROGRAM ON SCHEDULE.

I HOPE THIS CHRONOLOGY OF HISPANIC INVOLVEMENT IN THE ENERGY PUBLIC POLICY-MAKING PROCESS HAS DISPELLED THE ILL-CONSIDERED NOTION THAT WE ARE INDEBTED TO INDUSTRY. CLEARLY THE INTEGRITY OF THE AFOREMENTIONED HISPANIC LEADERS AND ORGANIZATIONS IS SUCH THAT WE ARE AT THE FOREFRONT OF EFFORTS CALLING FOR CORPORATE RESPONSIBILITY AND BALANCE BETWEEN CARE FOR THE OFFSHORE ENVIRONMENT AND THE QUALITY OF LIFE OF ONSHORE COMMUNITIES.

OUR LEGITIMATE ROLE IN PUBLIC POLICY SHAPING THE OFFSHORE LEASING PROGRAM MUST NOT BE DISCOUNTED. TURNING TO THE ISSUE AT HAND, THE NCLR IS ON RECORD AS OPPOSING THE USE OF YEAR-TO-YEAR MORATORIUMS VIA THE APPROPRIATIONS PROCESS TO BLOCK OCS EXPLORATION AND DEVELOPMENT.

THE APPROPRIATE FORUM FOR DETERMINING THE SCOPE AND TIMING OF AN OFFSHORE LEASING PROGRAM IS IN THIS COMMITTEE. THE OMNIBUS MORATORIA BILL UNDER REVIEW AND CONSIDERATION TODAY IS AN INAPPROPRIATE PROPOSAL THAT WOULD EFFECTIVELY UNDERMINE EFFORTS TO LOCATE NEW RESERVES IN UNDEVELOPED AREAS.

THE NCLR IS SENSITIVE TO THE VIEWS OF COASTAL CONCERNS. OVER 55% OF THE NATION'S HISPANIC POPULATION LIVES IN THREE COASTAL STATES MOST AFFECTED BY OFFSHORE DEVELOPMENT — CALIFORNIA, FLORIDA AND TEXAS.

MANY HISPANIC OPINION LEADERS HAVE OBSERVED AND EXAMINED THE OCS ISSUE THROUGH MANY DISCUSSIONS, CONFERENCES AND ON-SITE TOURS. AFTER CAREFUL AND EXTENSIVE REVIEW, MANY OF US HAVE CONCLUDED THAT ENOUGH TECHNICAL SAFEGUARDS EXIST TO PRESERVE THE AESTHETIC QUALITY OF OUR COASTAL ECOSYSTEMS.

THE NCLR STRONGLY SUPPORTS A CALCULATED AND SYSTEMATIC OFFSHORE LEASING PROGRAM.

THANK YOU

TESTIMONY OF
LARRY LUERA
CALIFORNIA CHAPTER
LEAGUE OF UNITED LATIN AMERICAN CITIZENS

BEFORE THE
SUBCOMMITTEE ON THE INTERIOR AND RELATED AGENCIES
OF THE
COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

MARCH 22, 1985

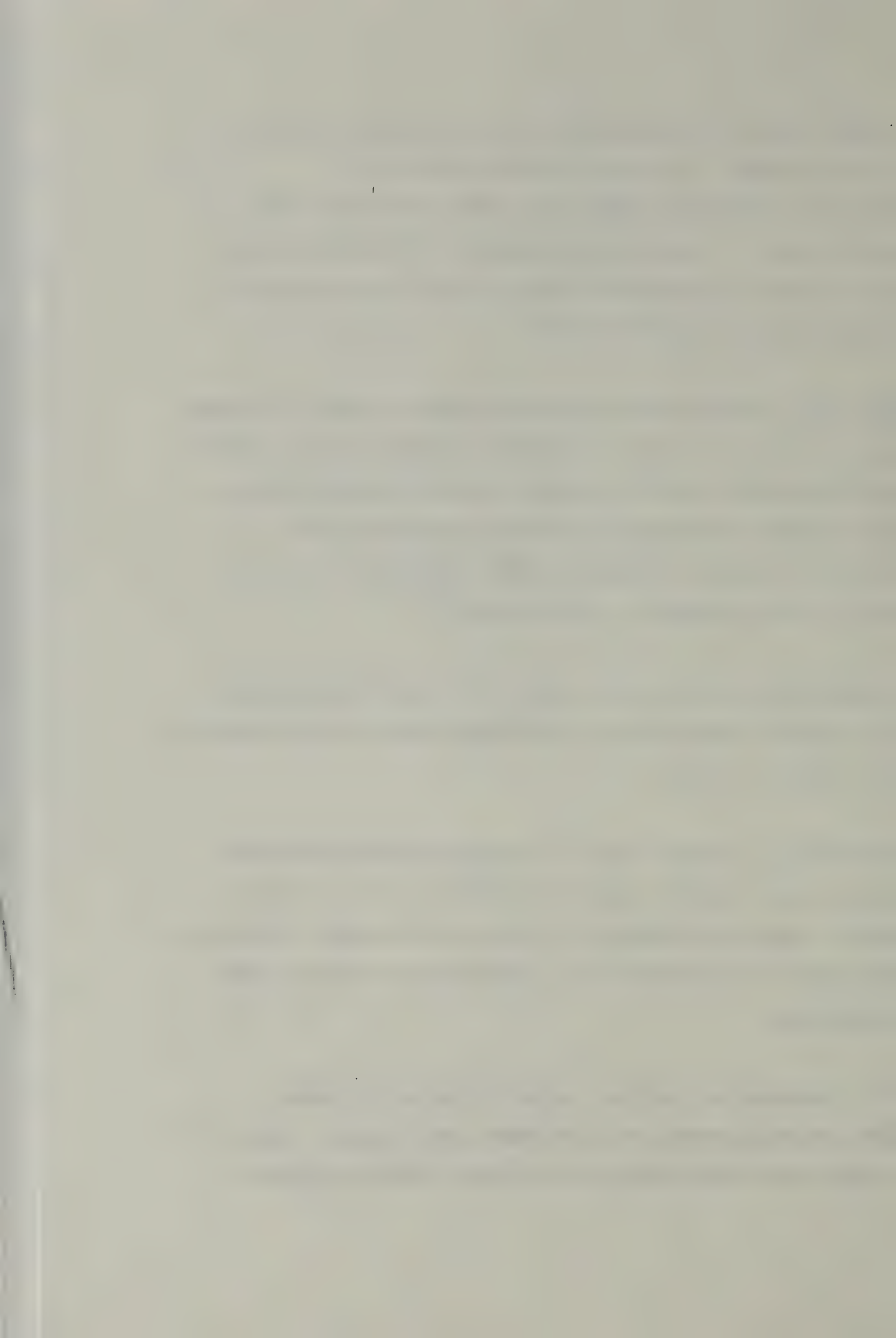
MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE, MY NAME IS LARRY LUERA. I AM A PAST STATE DIRECTOR OF THE CALIFORNIA CHAPTER OF LULAC, THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS. I ALSO WAS APPOINTED TO THE FIRST NATIONAL LULAC AD HOC ENERGY COMMITTEE IN 1981. LULAC IS THE LARGEST LATINO ORGANIZATION IN THIS COUNTRY.

I AM HERE TODAY CARRYING THE COLLECTIVE VOICE OF LULAC: THE BEST INTERESTS OF OUR NATION AND ITS HISPANIC CITIZENS WOULD BE BEST SERVED BY PROCEEDING WITH THE FEDERAL OFFSHORE LEASING PROGRAM. A STRONGLY WORDED RESOLUTION CALLING FOR EXPLORATION AND DEVELOPMENT OF AMERICA'S OFFSHORE ENERGY RESOURCES WAS ADOPTED LAST YEAR BY THE CALIFORNIA LULAC CONVENTION.

WE ARE CONCERNED ABOUT THE CONTINUED USE OF THE APPROPRIATIONS PROCESS TO IMPOSE MORATORIUMS ON THE DEPARTMENT OF THE INTERIOR'S OFFSHORE LEASING PROGRAM.

LULAC MAINTAINS A CONSTANT VIGIL ON LEGISLATION AND GOVERNMENT REGULATIONS WHICH DIRECTLY AFFECT THE GROWTH OF THE HISPANIC COMMUNITY. PROVIDING LEADERSHIP TO ONE OF THE LARGEST VOTING AND CONSUMER GROUPS IN CALIFORNIA IS A RESPONSIBILITY WHICH LULAC TAKES SERIOUSLY.

HISPANICS COMPRISE THE NATION'S LARGEST SEGMENT OF YOUNG AMERICANS AWAITING ENTRY INTO TOMORROW'S ADULT WORLD. HENCE, IT IS CRITICAL THAT TODAY'S PRIVATE AND PUBLIC SECTOR DECISION-



MAKERS ARE CHALLENGED TO IDENTIFY AND RESOLVE POTENTIAL NEGATIVE IMPACTS TO THE ECONOMY THAT AWAIT THIS NEXT GENERATION.

DESPITE THE TEMPORARY WORLD WIDE OVERSUPPLY OF OIL AND GAS WHICH CURRENTLY EXISTS, THE FUTURE ENERGY OUTLOOK OF THE UNITED STATES REMAINS BASICALLY UNCHANGED FROM THAT OF THE 1970'S: A PERIOD CHARACTERIZED BY HEAVY DEPENDENCE ON FOREIGN OIL SUPPLIES.

ALTHOUGH TODAY WE HAVE AMPLE ENERGY SUPPLIES AND STABLE PRICES, ANOTHER CUTOFF OF FOREIGN OIL SUPPLIES COULD QUICKLY HAVE A DEVASTATING IMPACT ON THE U.S. ECONOMY. WE MUST NOT FORGET WHAT HAPPENED IN THE 70'S. RAPIDLY INCREASING ENERGY PRICES NOT ONLY PLACED ENERGY OUT OF REACH FOR MANY LOW-INCOME FAMILIES, BUT ALSO LED TO AN ECONOMIC DOWNTURN WITH PREDICTABLE JOB LOSSES FOR COMMUNITIES ALREADY SUFFERING FROM INTOLERABLY HIGH UNEMPLOYMENT.

THE IMPORTANCE OF ENERGY TO THE ASPIRATIONS OF HISPANICS, WHO OVER THE NEXT TWO DECADES ARE EXPECTED TO BECOME THIS NATION'S LARGEST MINORITY, HAS BEEN RECOGNIZED BY LULAC AND OTHER LEADING HISPANIC ORGANIZATIONS IN THE COUNTRY, INCLUDING THE NATIONAL COUNCIL OF LA RAZA, AMERICAN G.I. FORUM AND THE CALIFORNIA HISPANIC CHAMBERS OF COMMERCE.

THERE IS LITTLE DOUBT THAT THE ECONOMIC INTERESTS OF THE HISPANIC COMMUNITY ARE TIED BOTH DIRECTLY AND INDIRECTLY TO A STRONG AND EXPANDING NATIONAL ECONOMY. A GROWING ECONOMY NOT ONLY TENDS TO MAINTAIN INCOME EARNING OPPORTUNITIES FOR THOSE ALREADY EMPLOYED, BUT ALSO CREATES NEW OPPORTUNITIES FOR EMPLOYMENT AND ADVANCEMENT. THIS IS OF SPECIAL SIGNIFICANCE TO HISPANICS.

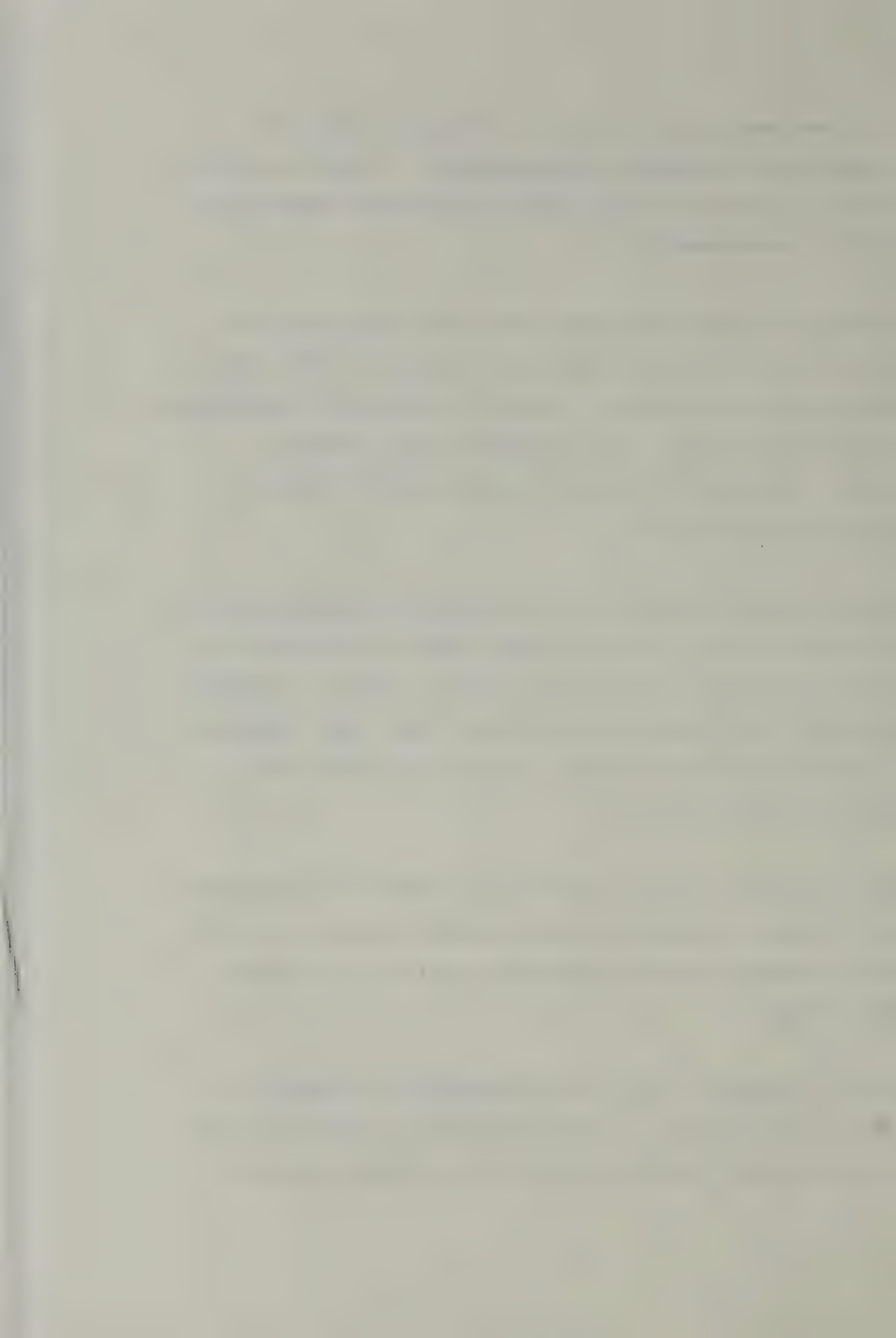
TODAY, THE NATIONAL JOBLESS RATE IS 7.4 PERCENT, WHILE THE JOBLESS RATE AMONG HISPANICS IS 10.6 PERCENT. A HEALTHY ECONOMIC ENVIRONMENT IS ALSO CRUCIAL TO INCREASING BUSINESS OPPORTUNITIES FOR HISPANIC ENTREPRENEURS.

ENERGY EXPLORATION AND DEVELOPMENT OFFER SIGNIFICANT HOPE FOR NEW JOBS AND, THUS, IMPROVED ECONOMIC OPPORTUNITIES FOR HISPANICS. CALIFORNIA, FLORIDA AND TEXAS -- STATES OF PARTICULAR SIGNIFICANCE FOR OFFSHORE EXPLORATION -- HAVE EXTREMELY LARGE HISPANIC POPULATIONS. MORE THAN 57 PERCENT OF THE NATION'S HISPANICS LIVE IN THESE THREE STATES.

THE OFFSHORE LEASING PROGRAM HAS THE POTENTIAL OF MEETING SOME OF OUR FUTURE DOMESTIC OIL PRODUCTION NEEDS WHILE AT THE SAME TIME GIVING THE U.S. ECONOMY A SUBSTANTIAL LIFT BY CREATING ADDITIONAL DEMAND FOR OIL FIELD SERVICES AND SUPPLIES, AND, THUS, INCREASED CAPITAL INVESTMENT AND EMPLOYMENT. HISPANIC BUSINESSES AND EMPLOYMENT WOULD BENEFIT HERE.

IT IS ALSO IMPORTANT TO NOTE THAT THE DEPARTMENT OF THE INTERIOR HAS BEGUN TO DRAFT A SECOND FIVE-YEAR LEASING PROGRAM. WE URGE CONGRESS TO SUPPORT AGGRESSIVE OFFSHORE LEASING IN THE SECOND FIVE-YEAR PROGRAM.

OUR SUPPORT FOR OFFSHORE OIL AND GAS EXPLORATION IS BASED ON ENLIGHTENED SELF-INTEREST. A HIGH PROPORTION OF HISPANICS LIVE IN THOSE STATES THAT WOULD BE AFFECTED BY INCREASED OFFSHORE



EXPLORATION: CALIFORNIA, FLORIDA AND TEXAS. AN EXPANDING ECONOMY IN THOSE STATES IS LIKELY TO BENEFIT HISPANICS IN TERMS OF JOBS, IMPROVED PUBLIC SERVICES, AND OTHER DIRECT AND INDIRECT EFFECTS OF A THRIVING LOCAL AND STATE ECONOMY.

IN ADDITION, LOW-INCOME PEOPLE TEND TO BE HURT WORST BY AN ENERGY CRISES, WHEN SUPPLIES ARE LOW AND COSTS ARE HIGH. OVER-DEPENDENCE ON FOREIGN OIL IS A DIRECT ECONOMIC CONCERN TO A POPULATION WITH A MEDIAN INCOME ABOUT 30 PERCENT BELOW THAT OF THE GENERAL AMERICAN PUBLIC.

MORATORIUMS ON FURTHER EXPLORATION AND DEVELOPMENT OF OFFSHORE RESOURCES MEAN FEWER JOBS, HIGHER ENERGY COSTS, AND FEWER BUSINESS OPPORTUNITIES FOR HISPANICS. HOWEVER, LULAC HAS NOT LOST SIGHT OF THE NEED FOR PROTECTION OF THE PHYSICAL ENVIRONMENT. EXISTING STATE AND FEDERAL ENVIRONMENTAL AND SAFETY LAWS AND REGULATIONS MUST BE STRICTLY ENFORCED. WE BELIEVE THE OFFSHORE INDUSTRY IS DOING A GOOD JOB.

WE THEREFORE URGE YOU TO OPPOSE OFFSHORE LEASING MORATORIUMS IN THE DEPARTMENT OF THE INTERIOR'S FY 1986 BUDGET.

THANK YOU.

TESTIMONY OF
ANITA DEL RIO, VICE PRESIDENT
FAR WEST REGION, LEAGUE OF UNITED LATIN AMERICAN CITIZENS

BEFORE THE
SUBCOMMITTEE ON ENERGY, ENVIRONMENT AND
SAFETY ISSUES AFFECTING SMALL BUSINESS
OF THE
COMMITTEE ON SMALL BUSINESS
HOUSE OF REPRESENTATIVES

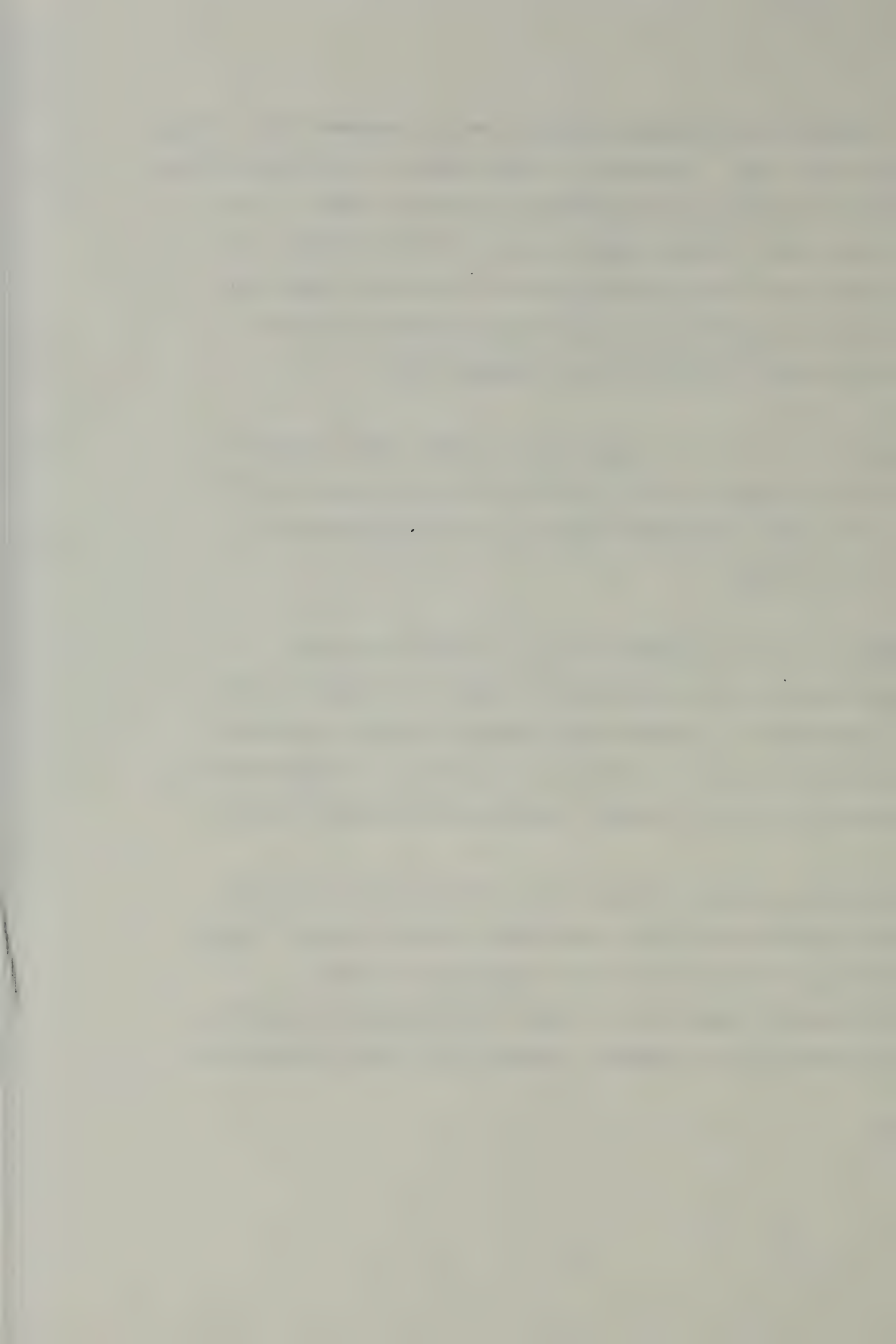
APRIL 10, 1985

MR. CHAIRMAN AND HONORABLE MEMBERS OF THE SUBCOMMITTEE. MY NAME IS DR. ANITA DEL RIO. I AM THE VICE PRESIDENT OF THE FAR WEST REGION OF THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS. LULAC IS THE LARGEST AND OLDEST HISPANIC ORGANIZATION IN THIS COUNTRY. I AM THE IMMEDIATE, PAST STATE DIRECTOR OF THE CALIFORNIA LULAC AND PRESIDED OVER THE ADOPTION OF A STATE RESOLUTION CALLING FOR ENERGY DEVELOPMENT ON THE OUTER CONTINENTAL SHELF.

I AM HERE TODAY TO NOT ONLY REFLECT LULAC'S OCS SUPPORT AT THE STATE AND FAR WEST LEVELS, BUT ALSO TO ADVISE THAT LULAC'S NATIONAL PRESIDENT, MR. MARIO OBLEDO, IS A FIRM SUPPORTER OF OFFSHORE DEVELOPMENT.

LULAC MAINTAINS A CONSTANT VIGIL ON LEGISLATION AND GOVERNMENT REGULATIONS WHICH DIRECTLY AFFECT THE GROWTH OF THE HISPANIC COMMUNITY. I COMMEND THIS SUBCOMMITTEE FOR CONVENING THIS HEARING IN SOUTHERN CALIFORNIA, SPECIFICALLY IN SOUTH GATE, A REGION AND CITY WITH A DYNAMIC AND GROWING HISPANIC POPULACE.

HISPANICS COMPRISE THE NATION'S LARGEST SEGMENT OF YOUNG AMERICANS AWAITING ENTRY INTO TOMORROW'S BUSINESS WORLD. HENCE, IT IS CRITICAL THAT TODAY'S PRIVATE AND PUBLIC SECTOR DECISIONMAKERS ARE CHALLENGED TO IDENTIFY AND RESOLVE POTENTIAL NEGATIVE IMPACTS TO THE ECONOMY THAT AWAIT THIS NEXT GENERATION.



LULAC IS SUPPORTIVE OF A STRONG NATIONAL EFFORT TO REDUCE OUR DEPENDENCE ON FOREIGN ENERGY SOURCES. TWO PREVIOUS OIL SHORTAGES HAVE LEFT INDELIBLE MARKS ON THE EFFORTS OF HISPANICS TO JOIN THE ECONOMIC MAINSTREAM OF AMERICA. THE RESULTANT ECONOMIC DOWNTURNS HIT OUR COMMUNITIES WITH THE LOSS OF JOBS AND HARDSHIP IN MEETING RISING ENERGY COSTS.

NOTING THAT THE EMPHASIS TODAY IS ON THE IMPACT OF OFFSHORE DEVELOPMENT ON SMALL BUSINESSES, I WILL ADDRESS THIS ISSUE. HISPANICS HAVE BEEN ORGANIZING TO ACHIEVE SOCIO-POLITICAL PARITY AND HAVE COME TO REALIZE THAT ECONOMIC DEVELOPMENT IS A PREREQUISITE.

HISPANIC ENTREPRENEURSHIP IS ON THE RISE AND THIS MOVEMENT IS BEGINNING ON A SMALL SCALE ACROSS THE NATION. THE HISPANIC BUSINESS COMMUNITY IS POISED TO SERVE A GROWING HISPANIC MARKET, AS WELL AS PROVIDE GOODS AND SERVICES TO CORPORATE AMERICA.

BESIDES EQUAL EMPLOYMENT OPPORTUNITIES, HISPANICS MUST TAKE ADVANTAGE OF THE FREE ENTERPRISE SYSTEM.

A STRONG, EXPANDING ECONOMY IS ABSOLUTELY NECESSARY IF HISPANICS ARE TO DEVELOP A STRONG ECONOMIC BASE. A SURGE IN FUEL AND UTILITY COSTS WOULD MEAN SUBSTANTIAL EXPENSES TO ANY SMALL BUSINESS, AND WOULD SEVERELY IMPAIR THE ABILITY OF HISPANICS TO ENTER INTO INDEPENDENT PROFIT-MAKING VENTURES.

IN THE 1981 STUDY, IMPACT OF ENERGY POLICY ON THE HISPANIC COMMUNITY TO THE YEAR 2000, THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC) NATIONAL ENERGY TASK FORCE EXPRESSED CONCERN "THAT A STAGNANT ECONOMY FOSTERED BY LACK OF ENERGY DEVELOPMENT (WOULD) RESULT IN A SERIOUS DECREASE IN NEW JOB OPPORTUNITIES. ADDITIONALLY, CONTINUED LAGS IN REACHING FULL ENERGY PRODUCTION CAPACITY WOULD RESULT IN LAYOFFS AND WORK STOPPAGES. THIS POTENTIAL EFFECT ON INCOME DERIVED THROUGH ENERGY-RELATED JOBS AND ENTREPRENEURIAL ACTIVITY WOULD HAVE A HIGHLY NEGATIVE IMPACT ON HISPANIC ECONOMIC WELL-BEING."

ACCORDING TO RUBEN BONILLA, LULAC PRESIDENT AT THE TIME OF THIS STUDY, THE DOCUMENT WAS AN EFFORT TO INFLUENCE THE ATTITUDES OF FELLOW HISPANICS TOWARD ENERGY GROWTH AND DEVELOPMENT AND TO INFLUENCE THE POLICYMAKERS IN THE PUBLIC AND PRIVATE SECTORS.

IT HAS COME TO MY ATTENTION THAT OFFSHORE DEVELOPMENT YIELDS AN ECONOMIC MULTIPLIER EFFECT FOUR TO FIVE TIMES THE ACTUAL CAPITAL OUTLAY. THIS MEANS THAT SUPPLY INDUSTRY AND INDEPENDENT CONTRACTORS THROUGHOUT THE NATION CAN BENEFIT FROM OCS DEVELOPMENT.

FOR EXAMPLE, IN MY HOMETOWN OF BROWNSVILLE, TEXAS, OCS MORATORIA HAVE RESULTED IN THE LOSS OF EXISTING OPPORTUNITIES FOR HISPANICS. CONGRESSMAN ORTIZ OF TEXAS REPORTED LAST YEAR BEFORE THE INTERIOR SUBCOMMITTEE OF THE HOUSE APPROPRIATIONS COMMITTEE THAT THE USE OF OCS MORATORIA HAVE LED TO A DOWNTURN IN THE OFFSHORE EQUIPMENT INDUSTRY IN HIS DISTRICT. THE IMMEDIATE

NEGATIVE EFFECT HAS BEEN THE LOSS OF JOBS, ESPECIALLY FOR
HISPANICS.

CONGRESSMAN ORTIZ FURTHER TESTIFIED THAT ABOUT 100 COMPANIES
IN HIS DISTRICT WERE AFFECTED BY THESE MORATORIA. NOT ONLY WERE
THOSE BUSINESSES AFFECTED, BUT ALSO CAUSED A NEGATIVE RIPPLE
EFFECT THROUGHOUT THE COMMUNITIES.

SINCE HISPANICS COMPRISE A RAPIDLY GROWING SEGMENT OF THE
POPULATION IN COASTAL STATES--CALIFORNIA, FLORIDA AND TEXAS--WE
ARE IN A POSITION TO EITHER SUFFER OR BENEFIT FROM THE UP AND
DOWN FLUCTUATIONS OF AN OFFSHORE INDUSTRY.

HERE IN CALIFORNIA, WE ARE LOOKING AT THE EXPANSION OF
OFFSHORE DEVELOPMENT THAT REQUIRES LEAD TIMES OF 7 TO 12 YEARS.
IMPOSITION OF MORATORIA RESTRICT THE IDENTIFICATION OF AVAILABLE
ENERGY RESOURCES OFF OUR COAST, AND COULD LEAD TO A SHORT FALL IN
DOMESTIC ENERGY SUPPLIES. MOREOVER, THE OPPORTUNITIES FOR
HISPANIC SMALL BUSINESSES, YET TO BE FORMED, DEPEND ON SAFE,
STABLE AND REASONABLE COSTS FOR FUEL AND ENERGY.

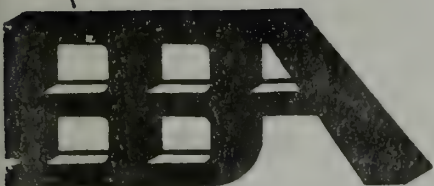
LULAC WILL CONTINUE TO SPEAK OUT ON CURRENT ISSUES AFFECTING
OUR ENVIRONMENT, WHETHER ON LAND, IN OUR COMMUNITIES, OR
OFFSHORE. THE PROTECTION OF ONSHORE AND OFFSHORE ENVIRONMENTS
MUST BE BALANCED.

MAY I CLOSE BY RECITING A PASSAGE FROM THE CALIFORNIA LULAC
RESOLUTION ON "ENERGY SELF-SUFFICIENCY",



"THE BEST INTERESTS OF OUR NATION AND ITS HISPANIC
CITIZENS WOULD BE BEST SERVED BY ALLOWING OFFSHORE
EXPLORATION AND DEVELOPMENT UNDER CONTROLLED
CONDITIONS."

THANK YOU



BOARD OF DIRECTORS

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TESTIMONY OF

GENE HALE

PRESIDENT

G & C EQUIPMENT CORPORATION
L.A. Black Business Assn.

BEFORE THE
SUBCOMMITTEE ON ENERGY, ENVIRONMENT AND
SAFETY ISSUES AFFECTING SMALL BUSINESS
OF THE
HOUSE SMALL BUSINESS COMMITTEE

APRIL 10, 1985

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, MY NAME IS GENE HALE, I AM PRESIDENT OF G & C EQUIPMENT CORPORATION. WE LEASE AND SELL HEAVY EQUIPMENT.

I AM ALSO CHAIRMAN OF THE BLACK BUSINESS ASSOCIATION OF LOS ANGELES.

MR. CHAIRMAN, I WANT TO ACKNOWLEDGE YOUR SUBCOMMITTEE FOR ITS COMMITMENT TO ENSURE THAT ALL CALIFORNIANS HAVE THE OPPORTUNITY TO PARTICIPATE ACTIVELY IN THIS IMPORTANT POLICY DEBATE.

MR. CHAIRMAN, I ALSO WANT TO ACKNOWLEDGE THE SUPPORT OF CONGRESSMAN MERVYN DYMALLY FOR OFFSHORE DEVELOPMENT. IN THE PAST YEAR, CONGRESSMAN DYMALLY HAS BEEN AN ACTIVE PARTICIPANT IN THE OFFSHORE ENERGY DEBATE. HE HAS MET WITH OIL INDUSTRY REPRESENTATIVES ON SEVERAL OCCASIONS TO ENSURE THAT THE CONCERNS OF THE MINORITY BUSINESS COMMUNITY ARE INCLUDED IN SHAPING POLICIES ON OFFSHORE DEVELOPMENT.

I COME BEFORE THIS SUBCOMMITTEE TO EXPRESS MY PERSONAL SUPPORT AND THAT OF THE BLACK BUSINESS ASSOCIATION FOR A BALANCED AND RESPONSIBLE POLICY FOR THE DEVELOPMENT OF OIL AND NATURAL GAS RESOURCES OFF THE COAST OF CALIFORNIA.

I AM HERE TODAY TO OFFER A PERSPECTIVE THAT UNFORTUNATELY IS NOT OFTEN HEARD WHEN AN ISSUE SO CRITICAL AS OFFSHORE DEVELOPMENT IS BEING DEBATED -- THE IMPACT ON SMALL AND MINORITY BUSINESSES.

LET ME BEGIN BY PROVIDING YOU WITH A LITTLE BACKGROUND ON MY COMPANY. G & C EQUIPMENT CORPORATION HAS BEEN IN OPERATION FOR 4 YEARS. WE ARE BASED IN GARDENA, WHICH IS IN CONGRESSMAN DYMALLY'S 31ST DISTRICT. I HAVE FIVE-FULL TIME EMPLOYEES.

DURING THE ENERGY SHORTAGE OF 1979-80, WHEN THE PRICE OF GAS SKYROCKETED, DEMAND FOR MY HEAVY EQUIPMENT WAS AT AN ALL TIME LOW. THE RESULTING REVENUE LOSS HAD AN ADVERSE EFFECT ON MY OVERALL OPERATION.

DIMINISHED BUSINESS OPPORTUNITIES AS A RESULT OF INSUFFICIENT OR EXPENSIVELY PRICED ENERGY IS AN IMPACT THAT RARELY SURFACES IN THE DEBATE ON OFFSHORE OIL DEVELOPMENT.

AS YOU ARE PROBABLY AWARE, SOME 600,000 MINORITY-OWNED BUSINESSES NATIONWIDE HAVE BEEN THE PRINCIPAL SUPPLIERS OF NEW JOBS AND TRAINING FOR THOUSANDS OF WORKERS.

AS CHAIRMAN OF THE B.B.A. OF LOS ANGELES, I AM CONTINUALLY REMINDED OF OUR ROLE AS CREATORS OF JOB OPPORTUNITIES. HOWEVER, I AM ALSO REMINDED OF OUR GOAL TO GENERATE BUSINESS OPPORTUNITIES FOR OUR MEMBERSHIP. OUR MEMBER COMPANIES OFFER A DIVERSE RANGE OF SERVICES AND GOODS: ACCOUNTING, BANKING SERVICES, PIPES AND VALVES, INSURANCE, COMPUTER PROGRAMMING SECURITY, TRANSPORTATION, LEGAL SERVICES, AND, YES, HEAVY EQUIPMENT RENTAL TO NAME A FEW.

HOWEVER, G & C EQUIPMENT CORPORATION AND THE BLACK BUSINESS ASSOCIATION HAVE HAD LIMITED ACCESS TO THE PETROLEUM INDUSTRY PROCUREMENT DOLLARS.

MY PRESENTATION HERE TODAY OFFERS AN OPPORTUNITY TO ENHANCE THAT RELATIONSHIP. WE ARE ENCOURAGED BY THE INDUSTRY'S RECENT ANNOUNCEMENT TO HOLD A MINORITY VENDOR INFORMATION CONFERENCE THIS SUMMER IN LOS ANGELES.

RECENTLY, STATEMENTS HAVE BEEN MADE BY LEADERS IN THE ENVIRONMENTAL COMMUNITY CHALLENGING THE RIGHTS OF MINORITIES TO SPEAK OUT ON THEIR INTEREST IN THIS ISSUE. I CHALLENGE THE ENVIRONMENTAL COMMUNITY TO PRESENT US WITH ONE GOOD REASON WHY MINORITIES SHOULD NOT BE ALLOWED TO PARTICIPATE IN THE PUBLIC DEBATE OF THIS ISSUE. I CHALLENGE THEM TO PRODUCE AS MANY ECONOMIC OPPORTUNITIES FOR MINORITIES AS THEY ARE TAKING AWAY BY DELAYING THE DEVELOPMENT OF THE CALIFORNIA OCS.

I BELIEVE THE URBAN BUSINESS COMMUNITY HAS A GREATER AWARENESS OF THE LINK BETWEEN THE ENERGY RESOURCE DEVELOPMENT AND EMPLOYMENT. AS PARTICIPANTS IN THE OFFSHORE OIL DEBATE WE HAVE A SIGNIFICANT ROLE TO FULFILL IN ACHIEVING THE GOAL OF EMPLOYMENT DEVELOPMENT IN OUR COMMUNITY.

DURING THE PAST YEAR, THERE HAS BEEN GROWING INTEREST AND SUPPORT IN THE BLACK COMMUNITY FOR EXPANDED OFFSHORE DEVELOPMENT OFF THE CALIFORNIA COAST. THE BLACK BUSINESS ASSOCIATION, LOS

ANGELES URBAN LEAGUE, LOCAL CHAPTERS OF THE NAACP AND BLACK ELECTED OFFICIALS ARE BUT A FEW EXAMPLES OF THOSE WHO HAVE STATED THEIR SUPPORT FOR THE DEPARTMENT OF THE INTERIOR'S OFFSHORE LEASING PROGRAM.

THE AVAILABILITY AND COST OF ENERGY RESOURCES HAVE A DIRECT ECONOMIC IMPACT ON OUR COMMUNITY, OUR BUSINESSES AND OUR FAMILIES.

I URGE YOU TO CONSIDER OUR CONCERNS AND THOSE OF ALL CALIFORNIANS WHEN MAKING YOUR DECISION ON THIS ISSUE.

THANK YOU

TESTIMONY OF
DANIEL TABOR
CITY COUNCILMAN
CITY OF INGLEWOOD, CALIFORNIA

BEFORE THE
ENVIRONMENT, ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE OF THE
COMMITTEE ON GOVERNMENT OPERATIONS

HOUSE OF REPRESENTATIVES

OCTOBER 12, 1984

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I WANT TO THANK CONGRESSMAN LEVINE FOR PROVIDING A FORUM TO HEAR THE VIEWPOINT OF THOSE MOST AFFECTED BY THE OFFSHORE ISSUE, BY BRINGING THESE HEARINGS TO CALIFORNIA.

I AM A COUNCILMAN FROM THE CITY OF INGLEWOOD. I HAVE SERVED AS A MEMBER OF THE INGLEWOOD CITY COUNCIL FOR THREE AND ONE HALF YEARS. I AM ALSO A BOARD MEMBER OF THE NATIONAL BLACK CAUCUS OF LOCAL ELECTED OFFICIALS. I ALSO AM A MEMBER OF THE NATIONAL LEAGUE OF CITIES TASK FORCE ON INTERNATIONAL ECONOMIC DEVELOPMENT.

I KNOW ALL OF YOU ARE AWARE OF THE IMPORTANCE OF HAVING LOCAL ELECTED OFFICIALS AND LOCAL CONSTITUENTS PARTICIPATE IN THE OFFSHORE LEASING PROCESS. SO MUCH OF OUR DAILY LIVES ARE IMPACTED BY THE AVAILABILITY OF ENERGY RESOURCES.

I THEREFORE HAVE A STRONG CONCERN ABOUT THE PREVAILING ASSUMPTION WHICH HAS GUIDED OUR STATE AND NATIONAL DEBATE ON OFFSHORE DEVELOPMENT. THIS ASSUMPTION IS THAT ONLY COASTAL CITIES, OFFICIALS, AND RESIDENTS HAVE A DIRECT INTEREST IN THE OUTCOME.

THIS ASSUMPTION IS NOT TRUE, YET COASTAL INTERESTS DOMINATE THE POLICY PROCESS. I SAY THIS NOT TO IMPLY THAT COASTAL AREAS

ARE UNFOUNDED IN TAKING CONCERTED ACTION TO SUBJECT PROPOSED OFFSHORE EXPLORATION TO THE HIGHEST POSSIBLE SCRUTINY. THEY SHOULD. MY CONCERN IS THAT THE LEGITIMATE NEEDS OF A BROADER COMMUNITY OF INTERESTS ARE NOT BEING TAKEN AS SERIOUSLY AS THEY SHOULD.

THIS HEARING WHICH IS INTENDED TO, IN PART, DISCUSS HOW WE CAN ASSURE CONSIDERATION OF ALL APPROPRIATE INTERESTS IN THE LEASING PROCESS IS AN EXCELLENT FORUM FOR ONE TO RAISE THIS CONCERN.

ANOTHER NOTE OF CLARIFICATION DESERVES MENTION. MUCH CONTROVERSY IN RECENT WEEKS HAS ERUPTED AROUND PROPOSED DRILLING IN PACIFIC PALISADES. THIS DRILLING, TO MANY, RAISES STRONG FEARS ABOUT POSSIBLE EXPLORATION IN SANTA MONICA BAY.

I AM NOT HERE TODAY TO COMMENT ON DRILLING OFF SANTA MONICA. NEITHER, AS I UNDERSTAND, IS SANTA MONICA NOW BEING CONSIDERED FOR SUCH DRILLING. IF IT WERE, I WOULD ARGUE THAT THE STRONGEST POSSIBLE SCRUTINY OF THE ENVIRONMENTAL IMPACTS OF DRILLING BE MADE. IF ENVIRONMENTAL RISKS OUTWEIGHED ECONOMIC BENEFITS DRILLING SHOULD BE PROHIBITED. THIS CASE BY CASE APPROACH CAN CONTINUE TO EFFECTIVELY PROTECT BOTH INDUSTRY AND ENVIRONMENTAL INTERESTS.

THE CONTINUED ANNUAL IMPOSITION OF BROAD GEOGRAPHICAL MORATORIA ON OCS DEVELOPMENT, HOWEVER, IS CONTRARY TO THE INTERESTS OF MY CONSTITUENTS.

IN MY CAPACITY AS AN INGLEWOOD COUNCILMAN, EACH AND EVERY DAY I FACE THE PRESSING PROBLEMS FACING MY CONSTITUENTS. THESE PROBLEMS INCLUDE UNEMPLOYMENT, INADEQUATE LOW INCOME HOUSING, UTILITY RATE INCREASES AND SCHOOL OVERCROWDING. THE CONSTANT DEMAND FOR MY ATTENTION TO THESE PRESSING, SURVIVAL-RELATED PROBLEMS COULD CONSUME MY EVERY WAKING HOUR.

BUT, AS YOU KNOW, THERE ARE LARGER ISSUES THAT LOOM ON THE HORIZON, THAT AN ELECTED OFFICIAL WORTH HIS OR HER SALT MUST BE PREPARED TO FACE.

MR. CHAIRMAN, MY TESTIMONY HERE TODAY IS TESTAMENT TO THE KIND OF COMMITMENT THIS COMMITTEE HAS TAKEN ON TO ENSURE THAT ALL "STAKEHOLDERS" HAVE THE OPPORTUNITY TO ACTIVELY PARTICIPATE IN THIS PROCESS. THE "STAKEHOLDERS" IN THIS CASE REPRESENT UNIQUE AND DIVERSE CALIFORNIA COMMUNITIES.

A CRITICAL ISSUE AFFECTING THE FUTURE OF MY CONSTITUENTS, IS THE DEVELOPMENT OF AMERICA'S DOMESTIC ENERGY RESOURCES. MORE SPECIFICALLY, THE DEVELOPMENT OF THE OUTER CONTINENTAL SHELF HAS IMPORTANT LONG-TERM IMPLICATIONS FOR MY DISTRICT, MY CITY, MY STATE, AND THE NATION.

THE FAILURE TO DEVELOP THIS VAST ENERGY SOURCE WOULD MAKE MY CONSTITUENTS VULNERABLE TO A SUDDEN INCREASE IN ENERGY PRICES DUE TO A RELIANCE ON UNSTABLE SOURCES OF FOREIGN OIL. WE ALL

REMEMBER THAT DESPITE THE FACT THE UNITED STATES IS MORE EFFICIENT THAN A DECADE AGO, WE STILL IMPORT ONE-THIRD OF OUR DAILY OIL CONSUMPTION. THE VULNERABILITY OF MY CONSTITUENTS AND THAT OF THE AMERICAN PEOPLE IS VERY REAL, BUT I BELIEVE UNNECESSARY.

I AM AS DEEPLY CONCERNED ABOUT THE PRESERVATION OF THE ENVIRONMENT AS ANY AMERICAN. I AM AN OUTDOORSMAN. I CAMP IN CALIFORNIA MOUNTAINS. I FISH IN CALIFORNIA RIVERS. I SWIM OFF OF CALIFORNIA BEACHES. BUT I BELIEVE IT IS CRUEL NOT TO PROTECT AMERICAN JOBS, AMERICAN INCOMES AND SMALL BUSINESSES BECAUSE SOME PEOPLE DON'T WANT TO SEE OIL RIGS OFF THEIR BEACH FRONT.

MANY PEOPLE DO NOT REALIZE THAT WE ARE NOT TALKING ABOUT OIL PLATFORMS WITHIN SWIMMING DISTANCE FROM THE SHORELINE. WE ARE TALKING ABOUT THE DEVELOPMENT OF THE OUTER CONTINENTAL SHELF -- THE AREA RANGING FROM 3 TO 200 MILES OFF THE COAST.

IF THE OUTER CONTINENTAL SHELF IS DEVELOPED IN A REASONABLE ENVIRONMENTALLY SOUND MANNER, THOSE OFFSHORE ENERGY RESOURCES CAN SERVE AS A NECESSARY BUFFER TO SHIELD OUR CITIZENS FROM A SUDDEN INCREASE IN ENERGY COSTS. I BELIEVE, BECAUSE OF THE STRONG SAFETY RECORD OF THE OIL INDUSTRY, THE SHELF IS CURRENTLY THE BEST POTENTIAL SOURCE FOR OUR FUTURE FOSSIL FUEL ENERGY NEEDS.

BECAUSE WE HAVE NOT FOUND A WAY TO DISPOSE OF NUCLEAR WASTE, BECAUSE THE USE OF COAL HAS DIRE ENVIRONMENTAL CONSEQUENCES,

BECAUSE THIS CONGRESS, AND PREVIOUS CONGRESSES, HAVE NOT CREATED ADEQUATE INCENTIVES FOR SOLAR ENERGY DEVELOPMENT, OFFSHORE PETROLEUM DEVELOPMENT REMAINS OUR MOST VIABLE OPTION.

AND IT NATURALLY FOLLOWS, THAT THE MAJOR USER OF PETROLEUM THE AUTOMOBILE WILL REMAIN THE PRIMARY MODE OF TRANSPORTATION FOR AMERICANS FOR SEVERAL DECADES. AS A CALIFORNIAN, I KNOW THIS FIRST HAND. IN FACT, IN THE LOS ANGELES AREA IF YOU DON'T HAVE AN AUTOMOBILE YOU'RE IN TROUBLE. AND FRANKLY I WELCOME THE AUTOMOBILE BECAUSE WE HAVE TWO HUGE SPORTS ATTRACTIONS IN MY CITY -- THE FORUM AND HOLLYWOOD PARK RACE TRACK.

THE FORUM AND HOLLYWOOD PARK ON AVERAGE ENTERTAIN OVER A MILLION VISITORS PER YEAR FROM ALL OVER SOUTHERN CALIFORNIA. OVER 13,000 ON AVERAGE ATTEND EACH WORLD CHAMPION LAKER BASKETBALL GAME AT THE FORUM. IF THERE WERE A SHORTAGE OF GASOLINE AS THERE WAS IN 1979 AND 1980, OR A DRAMATIC INCREASE IN FUEL PRICES, ATTENDANCE WOULD MOST CERTAINLY GO DOWN AT THESE SPORTS ARENA. WITHOUT A DOUBT, THE EMPLOYEES AND THE VENDORS WHO MAKE THEIR LIVELIHOOD FROM THESE SPORTS ATTRACTIONS WOULD BE HARD HIT. THIS SUBSTANTIAL SOURCE OF TAXABLE REVENUE WOULD DIMINISH THE ECONOMIC BASE OF THE CITY OF INGLEWOOD AND OTHER SOUTH BAY COMMUNITIES. FOR EXAMPLE, DURING THE OIL SHORTAGE OF 1979-80, BLACK UNEMPLOYMENT NATIONALLY INCREASED BY ALMOST THREE PERCENTAGE POINTS, ACCORDING TO THE BUREAU OF LABOR STATISTICS.

I AM ALSO CONCERNED ABOUT THE DEVELOPMENT OF THE OCS BECAUSE A GOOD NUMBER OF MY CONSTITUENTS ARE ON FIXED INCOMES; EITHER

THEY ARE SENIOR CITIZENS OR VERY YOUNG PEOPLE DEPENDENT ON UNEMPLOYMENT COMPENSATION, SOCIAL SECURITY BENEFITS, MEDICAID OR MEDICARE, WELFARE HOUSING SUBSIDIES, FOOD STAMPS OR OTHER ENTITLEMENT PROGRAMS. THESE PEOPLE SUFFERED DURING THE LAST TWO ENERGY CRISES. THEY WILL CERTAINLY SUFFER AGAIN IF THERE IS ANOTHER CRISIS BECAUSE THEY HAVE SHRINKING FIXED INCOMES THAT JUST COULD NOT TOLERATE INCREASED ENERGY PRICES.

AS IT STANDS NOW, THOSE WHO ARE POOR OR WHO ARE ON FIXED INCOMES ALREADY PAY MORE FOR ENERGY COSTS THAN THE MIDDLE INCOME OR WELL OFF.

THE POOR ALSO HAVE LESS DISPOSABLE INCOME TO WEATHERIZE THEIR HOMES, AND CERTAINLY APARTMENT DWELLERS CAN DO LITTLE TO ENCOURAGE LANDLORDS TO BETTER INSULATE THEIR UNITS.

YOU IN CONGRESS HAVE BEEN RELUCTANT TO PROVIDE TAX REBATES, ENERGY STAMPS, OR OTHER FISCAL RELIEF FOR THOSE LOWER INCOME FAMILIES HARDEST HIT BY RISING ENERGY PRICES. NEVERTHELESS, ENERGY PRICES ARE GOING TO CONTINUE TO RISE. YET, IT HAS BECOME FASHIONABLE IN CERTAIN QUARTERS TO ARGUE THAT, THE SOCIAL CONSEQUENCES OF THOSE INCREASES ARE BEYOND THE SCOPE OF ENERGY POLICIES. INSTEAD, THOSE WHO ARE POOR ARE TOLD THAT HIGHER PRICES WILL ENCOURAGE EFFICIENCY AND INCREASE ENERGY SUPPLIES AND, ULTIMATELY, INCREASE PRODUCTIVITY, WHICH CANNOT HELP BUT IMPROVE THEIR LOT. MAYBE SUCH BENEFITS WILL TRICKLE DOWN. BUT WHAT IS CERTAIN IS THAT THE PROBLEMS FROM HIGHER PRICES WILL TRICKLE DOWN FIRST.

REDUCING OUR DEPENDENCE ON FOREIGN OIL IS IMPORTANT FOR ALL AMERICANS, AND ESPECIALLY BLACK AMERICANS.

ENERGY AVAILABILITY AND COSTS ARE DIRECTLY RELATED TO MY CONSTITUENTS' ABILITY TO SURVIVE. WE IN THE CITY OF INGLEWOOD STRONGLY URGE YOU TO PROVIDE FULL FUNDING IN FISCAL YEAR 1985 FOR THE DEPARTMENT OF INTERIOR'S OFFSHORE LEASING PROGRAM.

THANK YOU.

10 Mc's
Elwell
Levin
Huang
Apartheid

Black
Latin American
Jama
Jah
Greek
German
Philippine
Colombian
Russian
Chinese
Irish
Afr. Indian
Bolivia

TESTIMONY OF
DAVIS RODGERS
PRESIDENT, WATTS CHAPTER
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

BEFORE THE
SUBCOMMITTEE ON THE PANAMA CANAL AND OUTER
CONTINENTAL SHELF OF THE MERCHANT MARINE AND FISHERIES
COMMITTEE

HOUSE OF REPRESENTATIVES

JUNE 12, 1984

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MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE, I AM DAVIS RODGERS, PRESIDENT OF THE WATTS CHAPTER OF THE NAACP. AS YOU MAY KNOW, WATTS IS A PREDOMINANTLY BLACK AND HISPANIC AREA OF SOUTH CENTRAL LOS ANGELES.

I AM HERE TODAY TO EXPRESS THE SUPPORT OF THE WATTS CHAPTER OF THE NAACP FOR EXPLORATION AND DEVELOPMENT OF OIL AND NATURAL GAS ON THE OUTER CONTINENTAL SHELF. WE BELIEVE IT IS NECESSARY TO PROCEED WITH OFFSHORE ENERGY DEVELOPMENT TO ENSURE BOTH OUR NATIONAL ENERGY AND ECONOMIC SECURITY.

I AM ALSO HERE TO VOICE OUR CONCERNS ABOUT THE NEGATIVE IMPACT MORATORIUMS ON OFFSHORE OIL AND GAS DEVELOPMENT COULD HAVE ON THE PEOPLE OF SOUTH CENTRAL LOS ANGELES.

SOUTH CENTRAL LOS ANGELES HAS COME A LONG WAY SINCE 1965. FOLLOWING THE PAINFUL WATTS RIOTS NEARLY TWO DECADES AGO, THE WATTS NAACP WAS FACED WITH THE CHALLENGE OF EASING THE TENSIONS OF A VOLATILE SITUATION. WE ACCEPTED THAT CHALLENGE OUT RIGHT.

TODAY, WE FACE A DIFFERENT CHALLENGE, A CHALLENGE THAT ULTIMATELY COULD TEAR AT THE FABRIC OF OUR COMMUNITY AND THIS COUNTRY.

ALTHOUGH OUR NATION IS 20 PERCENT MORE FUEL EFFICIENT TODAY THAN IT WAS IN THE EARLY 1970'S -- AT THE TIME OF THE ARAB OIL EMBARGO -- WE ARE STILL VULNERABLE TO THE SAME KIND OF ECONOMIC HARDSHIP THAT RESULTED FROM THAT OIL CUTOFF. DUE TO THE 1973-74 ARAB OIL EMBARGO WE SAW AS MANY AS HALF-A-MILLION JOBS LOST THROUGHOUT AMERICA. WE SAW A SIMILAR SITUATION AGAIN DURING THE 1979-80 IRANIAN REVOLUTION OIL CRISIS. MORE THAN A MILLION WORKERS ACROSS THIS COUNTRY WERE LAID OFF. THESE WERE PLANTS WHERE MANY MINORITIES ONCE WORKED.

FUTURE OIL CRISES WILL JEOPARDIZE MORE JOBS. I AM CONCERNED ABOUT THE DEVELOPMENT OF THE OCS BECAUSE A GOOD NUMBER OF THE PEOPLE OF SOUTH CENTRAL LOS ANGELES -- BLACK AND BROWN -- LOST JOBS AS A RESULT OF THOSE OIL SHORTAGES IN THE 1970'S. MANY PEOPLE IN SOUTH CENTRAL LOS ANGELES ARE ON FIXED INCOMES. MANY ARE SENIOR CITIZENS OR VERY YOUNG PEOPLE DEPENDENT ON UNEMPLOYMENT COMPENSATION, SOCIAL SECURITY BENEFITS, MEDICAID OR MEDICARE, WELFARE HOUSING SUBSIDIES, FOOD STAMPS OR OTHER ENTITLEMENT PROGRAMS.

WE SUFFERED DURING THE LAST TWO ENERGY CRISES AND WE WILL CERTAINLY SUFFER AGAIN IF THERE IS ANOTHER CRISIS. MOST PEOPLE ON SHRINKING FIXED INCOMES JUST COULD NOT TOLERATE INCREASED ENERGY PRICES -- AND MORE JOB LOSSES.

AS IT STANDS NOW, THOSE WHO ARE POOR OR WHO ARE ON FIXED INCOMES ALREADY PAY MORE FOR ENERGY COSTS THAN THE MIDDLE INCOME OR WELL OFF.

BY ENACTING RESTRICTIVE GEOGRAPHICAL MORATORIUMS AND YEAR-TO-YEAR MORATORIUMS THROUGH THE APPROPRIATIONS PROCESS, CONGRESS WILL:

- INCREASE AMERICAN RELIANCE ON UNSTABLE FOREIGN SOURCES OF OIL,
- LEGISLATE AWAY AN IMPORTANT SOURCE OF REVENUE FOR THE FEDERAL TREASURY,
- AND, LEAVE SOUTH CENTRAL LOS ANGELES AND OTHER COMMUNITIES VULNERABLE TO SEVERE ECONOMIC AND EMPLOYMENT HARDSHIP.

CONGRESS HAS BEEN RELUCTANT TO PROVIDE TAX REBATES, ENERGY STAMPS, OR OTHER FISCAL RELIEF FOR LOWER INCOME FAMILIES HARDEST HIT BY RISING ENERGY PRICES. NEVERTHELESS, OVER THE LONG HAUL, MOST EXPERTS AGREE, ENERGY PRICES ARE GOING TO CONTINUE TO RISE.

REDUCING OUR DEPENDENCE ON FOREIGN OIL IS IMPORTANT FOR ALL AMERICANS, AND, ESPECIALLY FOR BLACK AMERICANS.

A RECENT PUBLIC OPINION POLL OF CALIFORNIA VOTERS BY V. LANCE TARRANCE AND ASSOCIATES, FOUND THAT MORE THAN 70 PERCENT OF BLACK CALIFORNIANS SURVEYED AGREED THAT DEVELOPING MORE U.S. ENERGY IS ESSENTIAL TO REDUCE OUR DEPENDENCE ON FOREIGN OIL. MORE THAN 65 PERCENT FAVOR THE DEVELOPMENT OF NEW OIL AND GAS FIELDS OFF THE COAST OF CALIFORNIA. MORE THAN 73 PERCENT AGREED THAT FINDING NEW OIL RESERVES WILL HELP KEEP THE PRICE OF ENERGY DOWN.

FOR MANY OF THE RESIDENTS OF SOUTH CENTRAL LOS ANGELES,
ENERGY AVAILABILITY AND COSTS ARE REDUCED TO AN ISSUE OF
SURVIVAL. WE STRONGLY URGE YOU TO OPPOSE LONG-TERM GEOGRAPHIC
MORATORIUMS AND YEAR-TO-YEAR MORATORIUMS THROUGH THE
APPROPRIATIONS PROCESS.

WE URGE YOU SUPPORT THE FIVE-YEAR OCS LEASING PROGRAM.
LET'S WORK TOGETHER TO MAKE ALL OUR DREAMS COME TRUE.

THANK YOU.

TESTIMONY OF
LAVERTA MONTGOMERY
CITY MANAGER
CITY OF COMPTON, CALIFORNIA

BEFORE THE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
OF THE COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

February 23, 1984

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE, I AM LAVERTA MONTGOMERY, CITY MANAGER OF COMPTON, CALIFORNIA. I HAVE THE DUBIOUS DISTINCTION OF BEING THE ONLY BLACK FEMALE CITY MANAGER IN THE UNITED STATES. ALTHOUGH I AM PROUD TO BE THE ONLY BLACK FEMALE IN THAT CATEGORY, I LOOK FORWARD TO THE DAY WHEN MORE MINORITY WOMEN SERVE IN THIS CAPACITY.

I AM HERE REPRESENTING THE STRONG SENTIMENTS OF MAYOR WALTER TUCKER AND THE OTHER FOUR MEMBERS OF THE COMPTON CITY COUNCIL.

LAST NOVEMBER, MAYOR TUCKER SENT LETTERS TO MEMBERS OF THE CALIFORNIA CONGRESSIONAL DELEGATION STRONGLY OPPOSING CURRENT CONGRESSIONAL EFFORTS TO LIMIT THE DEVELOPMENT OF OUR NATION'S OFFSHORE ENERGY RESOURCES. THE CITY COUNCIL RECENTLY PASSED A RESOLUTION TO THAT EFFECT, CLEARLY STATING THE CONCERNS OF A MAJORITY OF THE 81,000 COMPTON RESIDENTS ON THIS ISSUE.

LET ME BEGIN BY GIVING YOU SOME IMPORTANT BACKGROUND INFORMATION ON COMPTON. COMPTON IS NOT A COASTAL CITY. IT IS LOCATED IN THE HEART OF THE SOUTHERN CALIFORNIA BUSINESS CORRIDOR, 12 MILES SOUTH OF THE CENTRAL BUSINESS DISTRICT OF LOS ANGELES. WE PRIDE OURSELVES ON A SUCCESSFUL GROWING MIX OF INDUSTRIAL AND RESIDENTIAL DEVELOPMENT -- DEVELOPMENT THAT IS HEAVILY DEPENDENT ON AN UNINTERRUPTED FLOW OF AFFORDABLE TRANSPORTATION FUELS AND NATURAL GAS.

COMPTON IS A CITY ON THE MOVE AND WE DON'T WANT ANYTHING TO SLOW US DOWN. BUT IT HAS NOT ALWAYS BEEN THAT WAY FOR US. WE KNOW TOO WELL HOW EXCRUCIATING THE PAIN OF ECONOMIC DISLOCATION CAN BE.

IMMEDIATELY FOLLOWING THE INFAMOUS WATTS RIOTS IN LOS ANGELES OVER A DECADE AGO, COMPTON EXPERIENCED A SUDDEN LOSS OF WHITE POPULATION. THE CITY EXPERIENCED A MAJOR SHIFT AND HAD TO READJUST ITS GOVERNMENT TO MEET THE NEEDS OF A NEW, POORER, PREDOMINATELY BLACK AND HISPANIC POPULATION. THIS CHAIN OF EVENTS, COMMONLY REFERRED TO AS "WHITE FLIGHT", FORCED THE CITY OF COMPTON TO ESTABLISH AN ECONOMIC DEVELOPMENT PROGRAM TO REPLACE THE BUSINESS AND GOVERNMENTAL INFRASTRUCTURE WHICH COLLAPSED.

WE HAVE WORKED HARD TO RECOVER. ANY FUTURE ENERGY SHORTAGE AND THE RESULTING SOARING COSTS FOR GASOLINE, HEATING OIL, NATURAL GAS AND OTHER FUELS WOULD SERIOUSLY IMPACT OUR ECONOMIC GROWTH. THIS IS AN UNNECESSARY DANGER HANGING OVER OUR HEADS WHEN WE AS A NATION HAVE THE WHEREWITHALL TO REDUCE OR ELIMINATE THAT POTENTIAL THREAT.

GENTLEMEN, BY ENACTING RESTRICTIVE GEOGRAPHICAL MORATORIUMS AND APPROPRIATION CUTS FOR SPECIFIC OUTER CONTINENTAL SHELF LEASE SALES, CONGRESS WILL LEGISLATE AWAY AN IMPORTANT SOURCE OF

REVENUE FOR THE FEDERAL TREASURY, INCREASE AMERICAN RELIANCE ON UNSTABLE FOREIGN SOURCES OF OIL, AND LEAVE COMPTON AND OTHER U.S. CITIES VULNERABLE TO SEVERE ECONOMIC AND EMPLOYMENT HARDSHIP.

COMPTON IS A CITY WHOSE CITIZENS WILL BE THE FIRST TO FEEL THE PINCH OF A FUTURE ENERGY CRISIS. WITH THE MINORITY POPULATION IN MY CITY CLOSE TO 98 PERCENT, AND AN UNEMPLOYMENT RATE TWICE THE NATIONAL AVERAGE, IT IS SAFE TO SAY THAT THE CITY OF COMPTON AND ITS RESIDENTS WOULD EXPERIENCE HARDSHIPS WELL BEYOND WHAT ANY OF US COULD IMAGINE.

THERE IS NO FEDERAL PROGRAM BIG ENOUGH TO BAIL OUT COMPTON AND OTHER CITIES IN SUCH A CRISIS. AND YOU AND I BOTH KNOW THE POLITICAL AND ECONOMIC RISKS OF FEDERAL GOVERNMENT SPENDING.

HAVING ADEQUATE SUPPLIES OF ENERGY IS ESSENTIAL TO OUR ECONOMIC HEALTH. ANY SHORTAGE WHICH RESULTS IN AN ECONOMIC DECLINE WILL BE FELT MORE SEVERELY IN MINORITY COMMUNITIES.

WE ARE DEEPLY CONCERNED ABOUT OUR HUMAN ENVIRONMENT AND HOW SUFFICIENT ENERGY SUPPLIES AFFECT THE CONDITION OF IT.

LET ME DEFINE FOR YOU BRIEFLY WHAT I MEAN BY "HUMAN ENVIRONMENT." THE QUALITY OF LIFE THAT MANY EXPERIENCE LIVING ALONG OUR BEAUTIFUL COASTLINES IS MUCH DIFFERENT THAN

THAT EXPERIENCED BY CALIFORNIA'S INNER-CITY AND URBAN POOR. MINORITY RESIDENTS OF OUR CITIES SPEND MOST OF THEIR WAKING HOURS ATTEMPTING TO MEET SURVIVAL NEEDS -- ATTEMPTING TO FIND JOBS AND TO KEEP THEM. THEY CONTINUE IN A STRUGGLE TO SECURE WARM SHELTER FOR THEIR FAMILIES AND TO REACH DEEPLY INTO THEIR POCKETBOOKS TO BUY A GALLON OF GASOLINE. MANY OF THESE MINORITY POOR WILL NEVER SEE CALIFORNIA'S CRAGGY COASTLINE, DOTTED BY SIZABLE HOMES ATOP CLIFFS AND ROLLING HILLS, OVERLOOKING THE VAST PACIFIC. ALTHOUGH THEY WOULD LIKE TO, THEY CAN'T AFFORD THE LUXURY.

THE "HUMAN ENVIRONMENT" I SPEAK OF INCLUDES ALL THE PEOPLE OF CALIFORNIA. WE ALL ARE ENVIRONMENTALISTS. WE SHOULD BE WORKING TOGETHER TO ENSURE A BETTER QUALITY OF LIVING FOR ALL. WE CAN DEVELOP OUR OFFSHORE ENERGY RESOURCES IN AN ENVIRONMENTALLY SAFE WAY, WITHOUT HARMING THE MARINE ENVIRONMENT IN THE OCEAN OR DAMAGING THE BEAUTIFUL COASTLINE.

AS THE CITY MANAGER OF A COMMUNITY THAT IS CONCERNED ABOUT THE FUTURE HEALTH OF OUR ECONOMY AND OUR NATIONAL INTEGRITY, LET ME AGAIN STRESS TO YOU THE IMPORTANCE OF DEVELOPING NEW SOURCES OF DOMESTIC ENERGY. CONTINUING TO DELAY THIS ACTIVITY WITH CLEVER ELECTION YEAR APPROPRIATION CUTS WOULD SHOW AN UNWILLINGNESS ON THE PART OF THIS SUBCOMMITTEE AND THE CONGRESS TO FACE UP TO THE HARD REALITIES OF REMAINING DEPENDENT ON

UNSTABLE SOURCES OF FOREIGN OIL. DEVELOP A RATIONAL ENERGY
POLICY THAT HELPS NOT HURTS, THAT ENCOURAGES NOT DISCOURAGES,
THAT EMPLOYS NOT DESTROYS.

THE CITY OF COMPTON IMPLORES YOU TO PROVIDE FULL FUNDING IN
FISCAL YEAR 1985 FOR THE DEPARTMENT OF THE INTERIOR'S OFFSHORE
LEASING PROGRAM.

TESTIMONY OF
SERGIO BANUELOS
PRESIDENT
CALIFORNIA HISPANIC CHAMBER OF COMMERCE

BEFORE THE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
OF THE COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

February 23, 1984

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE AND STAFF. MY NAME IS SERGIO BANUELOS. I AM THE PRESIDENT OF THE CALIFORNIA HISPANIC CHAMBER OF COMMERCE. I AM ALSO THE OWNER AND PRESIDENT OF CALI-MEX SUPERMARKETS, THE LARGEST HISPANIC-OWNED SUPERMARKET CHAIN IN CALIFORNIA.

I AM HERE TODAY AS A REPRESENTATIVE OF THE CALIFORNIA HISPANIC BUSINESS COMMUNITY. I AM HERE TODAY TO EXPRESS OUR SUPPORT FOR CONTINUED AND EXPANDED DEVELOPMENT OF OIL AND NATURAL GAS RESOURCES OFF THE COAST OF CALIFORNIA.

LET ME BEGIN BY SAYING THAT UNTIL RECENTLY OUR PEOPLE KNEW LITTLE ABOUT THE CRITICAL OFFSHORE ENERGY DEVELOPMENT POLICIES BEING DEBATED IN CONGRESS. WE KNEW LITTLE ABOUT THE IMPACT OF THESE POLICIES ON OUR BUSINESSES AND FAMILIES -- ON OUR LOCAL COMMUNITIES. WE ARE NOW VERY CONCERNED.

SINCE LAST NOVEMBER, THERE HAS BEEN A GROUND SWELL OF ACTIVITY ON THIS ISSUE IN THE HISPANIC COMMUNITY THROUGHOUT CALIFORNIA. IN ADDITION TO SPEAKING FOR THE STATE HISPANIC CHAMBER OF COMMERCE, I ALSO SPEAK FOR EIGHT LOCAL HISPANIC CHAMBERS OF COMMERCE THROUGHOUT CALIFORNIA WHICH HAVE PASSED STRONG RESOLUTIONS OPPOSING MORATORIUMS THAT BLOCK ENERGY DEVELOPMENT ON AMERICA'S OUTER CONTINENTAL SHELF.

AS YOU MAY BE AWARE, HISPANICS MAKE UP THE LARGEST MINORITY POPULATION IN THE STATE OF CALIFORNIA, ROUGHLY 5 MILLION PEOPLE. BY THE YEAR 2000, WE WILL REPRESENT OVER 30 PERCENT OF THE POPULATION IN THE STATE. HISPANICS TODAY ARE AN ECONOMIC POWER IN CALIFORNIA, AND YOU CAN SEE WHERE WE ARE HEADING. BUT THIS BURGEONING PURCHASING POWER IS BEING THREATENED -- AT AN IMPORTANT POINT IN THE GROWTH OF THE HISPANIC BUSINESS COMMUNITY THROUGHOUT THE UNITED STATES.

ACCORDING TO THE U.S. HISPANIC CHAMBER OF COMMERCE, IN 1977 CALIFORNIA CONTAINED 31 PERCENT (67,800) OF ALL HISPANIC BUSINESSES IN THE UNITED STATES. BY 1987, CALIFORNIA WILL BE THE HOME OF 40 PERCENT (250,000) OF ALL HISPANIC BUSINESSES IN THIS COUNTRY. THESE ESTIMATES PROJECT A GROWTH RATE OF ALMOST 14 PERCENT PER YEAR. NATIONALLY, THIS TRANSLATES INTO A MILLION HISPANIC BUSINESSES BY 1987 WITH GROSS RECEIPTS OF OVER \$150 BILLION.

AS I'M SURE YOU KNOW, MOST EXPERTS AGREE THAT THE UNITED STATES WILL NEED TO RELY ON OIL AND NATURAL GAS AS THE NATION'S PRINCIPAL SOURCE OF ENERGY FOR MANY YEARS TO COME. BUT I WAS STARTLED WHEN I LEARNED RECENTLY THAT ABOUT ONE-THIRD OF AMERICA'S DAILY OIL CONSUMPTION STILL COMES FROM FOREIGN SOURCES. WE CAN'T CONTROL EVENTS IN THE MIDDLE EAST. WE CAN REDUCE OUR RELIANCE ON FOREIGN OIL BY PRODUCING MORE OIL DOMESTICALLY. THIS WILL PROVIDE THE AMERICAN ECONOMY WITH MORE STABILITY.

KEEPING ENERGY DEVELOPMENT DOLLARS IN AMERICA RATHER THAN SPENDING THEM OVERSEAS ALSO HELPS HISPANICS. IN 1981 ALONE, MAJOR U.S. OIL COMPANIES PURCHASED CLOSE TO \$500 MILLION WORTH OF GOODS AND SERVICES FROM MINORITY BUSINESSES, MANY OF THEM HISPANIC.

WE BELIEVE DEVELOPMENT OF THE NATION'S OUTER CONTINENTAL SHELF WILL PROVIDE NEW JOBS FOR HISPANIC WORKERS AND NEW BUSINESS OPPORTUNITIES FOR HISPANIC ENTREPRENEURS.

WE THEREFORE HOPE IT IS EASY FOR YOU TO UNDERSTAND WHY WE NEED TO PROCEED WITH EXPANDED DEVELOPMENT OF OUR OFFSHORE ENERGY RESOURCES -- FOR THE NATION AS A WHOLE, AND FOR THE HISPANIC COMMUNITY. WE MUST BECOME AS ENERGY INDEPENDENT AS POSSIBLE. A STABLE ECONOMY AND ITS CONTINUED GROWTH WILL ALLOW OUR COMMUNITY TO BLOSSOM. WE AS A NATION HAVE THE NECESSARY RESOURCES TO BECOME MORE ENERGY SELF-SUFFICIENT.

LET'S USE THEM TO ENSURE OUR GROWTH.

WE ARE CONCERNED ABOUT THE FACT THAT RESPONSIBLE DEVELOPMENT OF AMERICA'S OFFSHORE OIL AND NATURAL GAS RESERVES HAS BEEN HELD UP. DESPITE THE CLEAR NEED FOR MORE DOMESTICALLY PRODUCED ENERGY, THE UNITED STATES CONGRESS HAS ERECTED BARRIERS -- YEAR-TO-YEAR MORATORIUMS VIA THE APPROPRIATIONS PROCESS -- EFFECTIVELY BLOCKING INCREASED EXPLORATION AND DEVELOPMENT OF AMERICA'S OFFSHORE OIL AND NATURAL GAS RESERVES.

HISPANIC AMERICANS SUPPORT ENVIRONMENTALLY SAFE DEVELOPMENT OF THE NATION'S OFFSHORE ENERGY RESERVES. THE CURRENT LAWS AND REGULATIONS PROVIDE THE FRAMEWORK FOR ENSURING ENVIRONMENTAL PROTECTION.

I DON'T PRETEND TO BE AN ENVIRONMENTAL SCIENTIST, BUT I'VE BEEN TO SANTA BARBARA AND I'VE SEEN THE BEAUTIFUL BEACHES AND THEIR THRIVING TOURISM ECONOMY. THE 1969 BLOWOUT IN THE SANTA BARBARA CHANNEL WAS THE U.S. OFFSHORE ENERGY INDUSTRY'S ONLY MAJOR SPILL FROM WHICH SIGNIFICANT AMOUNTS OF OIL REACHED THE SHORE. BY TODAY'S STANDARDS, THE TECHNOLOGY BACK THEN WAS PRIMITIVE. THAT BLOWOUT CAUSED NO LASTING DAMAGE.

I'VE SEEN A STUDY BY THE NATIONAL ACADEMY OF SCIENCES THAT SHOWS UNITED STATES OFFSHORE OPERATIONS ACCOUNT FOR ONLY FIVE ONE-HUNDREDTHS OF ONE PERCENT OF THE TOTAL POLLUTION OF THE WORLD'S OCEANS. THAT COMPARES WITH NATURAL OIL SEEPS WHICH CONTRIBUTE 15 PERCENT OF OIL POLLUTION IN THE OCEANS, AND TANKERS WHICH CONTRIBUTE 20 PERCENT.

CLAIMS BY MANY CRITICS NOTWITHSTANDING, OFFSHORE OIL CAN BE DEVELOPED SAFELY, WITHOUT HARMING THE ENVIRONMENT IN THE OCEANS OR DAMAGING THE NATION'S COASTLINES.

MORATORIUMS DO NOTHING BUT THREATEN THIS NATION'S ECONOMIC AND NATIONAL SECURITY. AND MORE SPECIFICALLY, THE ECONOMIC SECURITY OF HISPANIC FAMILIES.

GENTLEMEN, SOME OF YOU MAY HAVE YOUR DIFFERENCES WITH THE ADMINISTRATION'S ECONOMIC POLICIES. BUT WE ALL HAVE REACHED A GENERAL CONSENSUS THAT ECONOMIC GROWTH AND SOUND ENERGY POLICIES ARE GOOD FOR THE COUNTRY AND GOOD FOR THE HISPANIC COMMUNITY.

IN CLOSING, LET ME QUOTE PRESIDENT REAGAN FROM AN ADDRESS LAST AUGUST 13 BEFORE THE UNITED STATES HISPANIC CHAMBER OF COMMERCE: "TO EVERY CYNIC WHO SAYS THE AMERICAN DREAM IS DEAD, I SAY: COME TO THE HISPANIC BUSINESS COMMUNITY. COME SEE HOW ENTREPRENEURS OF HISPANIC DESCENT ARE NOT JUST BUILDING NEW CORPORATIONS, THEY ARE BUILDING AMERICA'S FUTURE."

AN ENERGY POLICY THAT ALLOWS FOR INDEPENDENCE AND GROWTH WILL MAKE OUR DREAM A REALITY RATHER THAN A NIGHTMARE.

WE URGE YOU TO FULLY FUND THE DEPARTMENT OF THE INTERIOR'S OFFSHORE LEASING PROGRAM SO THAT EXPLORATION AND DEVELOPMENT OF THE NATION'S OFFSHORE ENERGY RESOURCES CAN PROCEED ON SCHEDULE.

February 9, 1988

Honorable Members of the California Legislature:

I sincerely regret that I cannot be present personally, but I hope you will permit my written remarks for the record. I want to share some remarks and questions with you on the matter of the nomination of Mr. Daniel Lundgren to the position of Treasurer of the State of California.

An article under the byline of Chet Holcombe appeared in the June 17, 1954 edition of the Santa Barbara News Press. The article began with these words:

'Despite the fact that the United States blasted his native city, Hiroshima, into rubble with an atomic bomb, and he was herded with other Japanese nationals into wartime camps from his home on America's West Coast, Gakuro Yamada, 52, never lost his love for this country.

'Yesterday, together with his pretty wife, Hirako, Yamada held up his hand in the court of Superior Judge Atwell Westwick and took the oath of allegiance as an American citizen. They live at 345 Vista de la Umbra and have four children.'

This is a very special story for me because I am one of those four children. I am especially proud of my parents for they have lived their lives in America as good, Lockean citizens. Despite their loyalty, hard work, and innocence, they suffered mightily because of the events that followed America's entry into World War II. They committed no wrongdoing; they continued to comply with the law of the land. Yet they suffered the ignominy of diminished respect, the sadness of lost property, and the indignity of discrimination. Family wealth was instantly transmuted into near poverty. Yet they persevered with magnanimity and almost unbearable silence so that the next generation of children might have a better life.

And there were hundreds of thousands of other Americans of Japanese ancestry who suffered large and small for the same reasons: misperceptions based on ignorance, racial animosity, and exaggerated and distorted facts, by citizen and public official alike.

This story needs to be told and it needs to be heard for it is a reminder that we must never again deny to citizens and legal, alien residents their constitutional rights and due process of law. If we violate due process, then we diminish liberty and in so doing we begin to empty democracy of its most cherished and fundamental value.

Against this background, I raise the following questions for the nominee, the Honorable Mr. Lundgren. As a member of the U. S. Congress:

1. Did you vote against reparations in H.R. 442, a bill designed to redress the wrongs committed against my parents and 115,000 other Japanese-Americans interned in camps during World War II?
2. Did you vote against nutrition and school lunch programs in the Child Nutrition Act of 1984?

SUBMITTED BY
HENRY J. MELLO

for DAVID T. YAMADA
CONSTITUENT

SAC FEB 12 1988

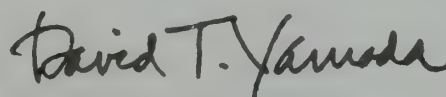
3. In 1987, did you vote against a House measure to re-establish the House Select Committee on Hunger?
4. In 1986, did you vote against a provision in an appropriations bill to increase funding for Health & Human Services for AIDs research?
5. In 1983, did you vote against the Equal Rights Amendment (HJR 31)?
6. In 1980, did you vote against key enforcement measures in the Fair Housing Act Amendment (HR 5200)?
7. In 1984 and 1987, did you vote to decrease or eliminate funding for the Legal Service Corporation (HR 4169), thereby depriving low-income families of needed legal assistance?
8. Did you vote against broadening anti-discrimination provisions of the Civil Rights Act of 1984?
9. In 1987, did you vote against a bill to provide catastrophic health insurance?
10. And in 1986, did you vote against re-authorizing community health centers that would provide senior citizens in rural areas with their only source of primary health care?

Based on your voting record, one might reasonably draw the conclusion that you embrace a philosophy that inclines toward the "minimal state." A minimal state philosophy holds that government has little or no fiscal and programmatic responsibility aside from providing for the nation's defense, citizen safety and education, and protection of property and contracts.

The larger question, Mr. Lundgren, is whether your voting record and implicit philosophy qualify you for the position of Treasurer. The position of State Treasurer carries with it the authority to administer bond measures and allocate fiscal resources with significant impact on millions of California citizens. Your past voting record and implicit philosophy seem ill-suited and out-of-step with the needs and demands of the people of California. Many of these people depend, in their everyday lives, on the compassion and good will of our public programs. Take this compassion, good will, and programmatic resource away and they suffer as my parents have in the past.

Respectfully, in the spirit of an open society, I ask members of the California Legislature to act responsibly by opposing the nomination of Mr. Daniel Lundgren.

Very sincerely yours,



David T. Yamada
1520 Salinas Highway
Monterey, CA 93940

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STATE OF CALIFORNIA

Legislator

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27 Evelyn Mizak
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APPEARANCES

MEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman

SENATOR WILLIAM CRAVEN, Vice Chairman

SENATOR JIM ELLIS

SENATOR HENRY MFILO

SENATOR NICHOLAS PETRIS

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Appointments

ALSO PRESENT

SENATOR HERSCHEL ROSENTHAL, Chairman
Senate Committee on Energy and Public Utilities

RICHARD A. BILAS, Member
Energy Resources, Conservation and Development Commission

CELESTINE "TEENA" FARMON, Superintendent
Northern California Women's Facility

EDWARD R. MYERS, Superintendent
Correctional Training Facility

IVONNE RAMOS RICHARDSON, Member
Agricultural Labor Relations Board

ROGER SCHAUFEL, Superintendent
California State Prison, Amador

ASSEMBLYMAN NORM WATERS

WILLARD A. SHANK, Member
Public Employment Relations Board

GENERAL EDWARD R. AGUIAR, Retired

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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: Governor's Appointees appearing today, Richard A. Bilas, Member of the Energy Resources, Conservation and Development Commission.

Mr. Bilas, why don't you come forward.

MR. BILAS: Good afternoon.

CHAIRMAN ROBERTI: We'll ask you what we ask all the gubernatorial Appointees, why you feel you're qualified to, I guess, remain in this position rather than accept.

SENATOR ROSENTHAL: Mr. Chairman.

CHAIRMAN ROBERTI: Senator Rosenthal wanted to ask the questions. Now I recall that's why we're here.

(Laughter.)

SENATOR ROSENTHAL: As you know, I asked the Senate Rules Committee to recall you to provide an opportunity to set the record straight regarding your involvement in the Energy Commission's review of the Coso geothermal projects.

I have reviewed the final decision of the Commission on these projects, and I'm satisfied that the revised agreement meets the requirements of the Warren-Alquist Act.

But I'd appreciate your sharing with the Committee your views on the actions taken by the Commission to review these projects in light of the newspaper articles that appeared, which tried to place you, I think, in an unfavorable light, which was not my intent.

1 MR. BILAS: Thank you for those -- for the adjectives
2 that you used because I think it did that, but I would like to
3 set the record straight.

4 The newspaper article, the first newspaper article that
5 appeared here in Sacramento was, I think, the result of
6 information that was bandied about that was not the entire story.
7 And much of it, unfortunately, was the result of a not
8 appropriately written press release at a press conference that we
9 had in Ridge Crest.

10 I can assure you, Senator Rosenthal and other Senators
11 who are here today, that we did nothing -- that is, Chairman
12 Imbrecht and I did nothing that we should be sorry for. We are,
13 I think, very pleased with the way we handled the situation, and
14 I think we ultimately reached a very, very good solution to an
15 extremely complex problem, with pressures brought to bear from
16 all kinds of people.

17 SENATOR ROSENTHAL: I share your view that a lot of the
18 controversy surrounding that project could have been avoided if
19 the Energy Commission's jurisdiction and siting requirements were
20 more clearly defined. And that, I am convinced, has happened,
21 and as I stated to you earlier, I have legislation pending that
22 can be used to clarify and confirm the Energy Commission's siting
23 jurisdiction.

24 And I just wanted to ask you whether you believe the
25 Commission should support that legislative action on this
26 critical issue?
27
28

1 MR. BJLAS: I cannot, Senator, speak for the full
2 Commission, obviously. You and I have had several conversations
3 on the jurisdictional problem.

4 The Warren-Alquist Act is not clear, and I don't know
5 whether legislation necessarily is the way to go, although it is
6 certainly a positive option, or whether perhaps revising our
7 regulations is the way to go. We are in the process, our Siting
8 Committee is in the process of looking at the regulations and
9 trying to tighten them.

10 There is a difficulty with that, of course, because no
11 matter how much we tighten the regulations, where there's a will
12 there's a way. And I'm not so sure that we necessarily need to
13 do that. We may need to go the legislative route.

14 I think it's a question that's open. I think it's an
15 issue that we seriously have to discuss, particularly in light of
16 the Coso project. I think that this opened up all kinds of
17 problems with the siting regs.

18 SENATOR ROSENTHAL: As you know, in my comments to the
19 Commission on the Coso project I was primarily concerned about
20 compliance with Energy Commission requirements related to the
21 need for additional energy and environmental mitigation, and we
22 have discussed that.

23 Once those basic requirements are satisfied, I believe
24 it's been appropriate for the Commission to consider the local
25 economic benefits associated with the project. And I'm assuming
26 that the project developer will benefit from the Coso projects,
27 and that the Navy and the local governments will receive
28 revenues.

1 I have one further question. What about the local
2 employment benefits?

3 MR. BILAS: If I may quote to you from the business
4 meeting transcript when we decided the Coso issue, give me just a
5 moment, I made -- I tried to make it perfectly clear in that
6 business meeting that we -- the Commission was concerned about
7 this very problem. So if you will, I would like to quote from
8 the transcript:

9 "As I looked at the proposed stipulation
10 on Navy 2 on Page 4 on the Stipulation
11 and Agreement, the first paragraph reads,
12 'CECI ...'"

13 That's the developer,

14 "'shall file an application for a small
15 power plant exemption for Navy 2 prior
16 to commencing construction.'

17 "That tells me that the committee
18 that will be assigned to this small power
19 plant exemption will be required to look
20 at needs for this resource. In Section
21 25309 of the Warren-Alquist Act, Section
22 B, the following statement appears:

23 'The Commission's integrated
24 assessment of the need for
25 new resources as determined
26 pursuant to Subdivisions (a)
27 to (f), inclusive of Section
28

1 25305, and adopted in its
2 Final Report pursuant to
3 Section 25308, which shall
4 be used as the basis of planning
5 and approval of new resource
6 additions, including the level
7 of statewide and service area
8 electrical energy demand for
9 the forthcoming five and twelve
10 year forecasts or assessment
11 periods, within the judgement
12 of the Commission will reason-
13 ably balance the requirements
14 of state and service area
15 growth and development, the
16 protection of the public
17 health and safety, the pre-
18 servation of environmental
19 quality, the maintenance of
20 a sound economy, and the con-
21 servation of resources.'

22 "Now, there were two statements in there.
23 The 'maintenance of a sound economy' and
24 'reasonably balanced requirements of state
25 and service area growth and development.'

26 "Can you assure me that when a committee
27 is assigned to the SPPE the the needs test
28

1 is considered, that these two requirements,
2 if it is necessary for approval of the SPPE,
3 that these two statements that I have just
4 emphasized will in fact be met by CECI?"

5 The response from Mr. Tibbs, who was the Executive Vice President
6 of CECI was, "Yes, they will."

7 We are concerned because we were told during the
8 negotiations of the proposed agreement, which is now a finalized
9 agreement by the full Commission, that local resources, and I
10 assume that means labor as well, would be used at that Coso
11 project.

12 SENATOR ROSENTHAL: That basically is my concern, is
13 that local employment opportunities be provided in the community
14 in the construction and the operation of that particular --

15 MR. BILAS: It is our concern, too, Senator Rosenthal,
16 and I am sure that during the permitting process for Navy 2, that
17 this -- whatever committee is chosen, that this will in fact be
18 considered very seriously by the Commission.

19 SENATOR ROSENTHAL: Thank you very much.

20 I have no further questions.

21 CHAIRMAN ROBERTI: Thank you, Senator.

22 Any further questions of Mr. Bilas?

23 Does anyone in the audience wish to make an observation?

24 SENATOR PETRIS: We don't need to vote again, do we?

25 SENATOR CRAVEN: We've already voted one time.

26 SENATOR PETRIS: Well, we'd give him a double mandate.

27 CHAIRMAN ROBERTI: He'll get a double.
28

7
1 SENATOR CRAVEN: So move.

2 CHAIRMAN ROBERTI: Senator Craven moves that Richard
3 Bilas be recommended for confirmation to the Floor as a Member of
4 the Energy Resources, Conservation and Development Commission.

5 Secretary will call the roll.

6 SECRETARY WEBB: Senator Ellis.

7 SENATOR ELLIS: Aye.

8 SECRETARY WEBB: Senator Mello. Senator Petris.

9 SENATOR PETRIS: Aye.

10 SECRETARY WEBB: Senator Craven.

11 SENATOR CRAVEN: Aye.

12 SECRETARY WEBB: Senator Roberti.

13 CHAIRMAN ROBERTI: Aye.

14 The vote is -- well, we'll hold it open. I think
15 Senator Mello wants to be recorded in your favor, so I won't
16 announce the vote.

17 Senator Craven moves a call. Without objection, such
18 will be the order.

19 MR. BILAS: Gentlemen, I thank you once again for having
20 the faith in me that you have shown. I appreciate it very much.

21 CHAIRMAN ROBERTI: Celestine "Teena" Farmon,
22 Superintendent of the Northern California Women's Facility.

23 Hello, Ms. Farmon.

24 MS. FARMON: Good afternoon.

25 CHAIRMAN ROBERTI: We'll ask you what we ask all the
26 Governor's Appointees; that is, why you feel you're qualified to
27 assume this position.
28

1 MS. FARMON: I began working for the Department of
2 Corrections in 1968, having started out as a clerk typist.
3 During that time I've served in varying positions.

4 CHAIRMAN ROBERTI: You've come a long way.

5 MS. FARMON: Obviously.

6 Most recently, and I believe most significantly, I
7 served as the Department's Chief of the Human Resources Unit,
8 which is basically the affirmative action unit. I served as the
9 Department's Assistant Deputy Director for Labor Relations for
10 three years.

11 Most recently, I was Associate Superintendent involved
12 in the activation of the California Medical Facility, and in
13 November of '84, assumed the role of new Prison Manager for the
14 new Women's Prison in Stockton.

15 Obviously during those processes, I became aware and
16 significantly involved in the overall operation of the Department
17 of Corrections. More specifically, with institutions' operations
18 in those roles.

19 I think that exposure and that experience provided me
20 with experience and knowledge which qualifies me for this
21 position.

22 CHAIRMAN ROBERTI: Thank you very much.

23 Is there any discussion or debate? Is there any
24 opposition?

25 SENATOR CRAVEN: Move Ms. Farmon.

26 CHAIRMAN ROBERTI: Senator Craven moves Ms. Farmon's
27 confirmation be recommended to the Floor.
28

1 There's no questions. I just want to say I think your
2 credentials are outstanding.

3 MS. FARMON: Thank you.

4 CHAIRMAN ROBERTI: We're happy to cast a vote of
5 affirmation today.

6 MS. FARMON: Thank you.

7 CHAIRMAN ROBERTI: Secretary will call the roll.

8 SECRETARY WEBB: Senator Ellis.

9 SENATOR ELLIS: Aye.

10 SECRETARY WEBB: Senator Mello. Senator Petris.

11 SENATOR PETRIS: Aye.

12 SECRETARY WEBB: Senator Craven.

13 SENATOR CRAVEN: Aye.

14 SECRETARY WEBB: Senator Roberti.

15 CHAIRMAN ROBERTI: Aye.

16 The vote is four to nothing; confirmation is recommended
17 to the Floor.

18 Congratulations.

19 MS. FARMON: Thank you.

20 CHAIRMAN ROBERTI: Edward R. Myers, Superintendent of
21 the Correctional Training Facility.

22 Mr. Myers, we will ask you the same question; that is
23 why you feel you're qualified to assume this position?

24 MR. MYERS: I believe I'm qualified to fill this
25 position due to my 24 years of positive service to the Department
26 of Corrections and the State of California.

27
28

1 The fact that I started as a Correctional Officer,
2 worked my way up through the ranks at one institution, CTF
3 Soledad, to an Associate Superintendent. At that level did a
4 year in planning and construction in Sacramento, and then went to
5 San Quentin Prison as the Chief Deputy Warden, and have now
6 returned to CTF.

7 I believe that is my qualifications for the job.

8 CHAIRMAN ROBERTI: Any further discussion or debate? Is
9 there any opposition in the audience?

10 Senator Mello.

11 SENATOR MELLO: Mr. President, if I could beg Senator
12 Craven's support and allow me to make the motion for
13 confirmation.

14 SENATOR CRAVEN: Now, that's just because he is an
15 alumnus of the same school.

16 (Laughter.)

17 SENATOR MELLO: Well perhaps we can share in the motion.

18 SENATOR CRAVEN: No, Henry, please do.

19 SENATOR MELLO: He's a very distinguished person who is
20 working in one of the most trying facilities in the state, that
21 down at Soledad. He's doing a real great job. He succeeded a
22 person who did a great job, Al Stagner, who ended up in some
23 mysterious death down there that all of us are saddened for, but
24 we're happy that Mr. Myers is his replacement.

25 I just want to join with my colleagues in making the
26 motion to confirm him.

27

28

1 CHAIRMAN ROBERTI: Senator Mello moves that the
2 confirmation of Edward R. Myers be recommended to the Floor of
3 the Senate as the Superintendent of the Correctional Training
4 Facility, Soledad.

5 Secretary will call the roll.

6 SECRETARY WEBB: Senator Ellis.

7 SENATOR ELLIS: Aye.

8 SECRETARY WEBB: Senator Mello.

9 SENATOR MELLO: Aye.

10 SECRETARY WEBB: Senator Petris.

11 SENATOR PETRIS: Aye.

12 SECRETARY WEBB: Senator Craven.

13 SENATOR CRAVEN: Aye.

14 SECRETARY WEBB: Senator Roberti.

15 CHAIRMAN ROBERTI: Aye.

16 The vote is five to nothing; confirmation is recommended
17 to the Floor.

18 Congratulations.

19 MR. MYERS: Thank you.

20 SENATOR MELLO: Lift the call on Mr. Bilas.

21 CHAIRMAN ROBERTI: Yes, Senator Mello moves the call of
22 Senator Craven be lifted on Richard Bilas.

23 Secretary will call the roll.

24 SECPETARY WEBB: Senator Mello.

25 SENATOR MELLO: Aye.

26 CHAIRMAN ROBERTI: The vote is five to nothing;
27 confirmation is recommended to the Floor.
28

1 Ivonne Ramos Richardson, please come forward, Member of
2 the Agricultural Labor Relations Board.

3 Ms. Richardson, we'll ask you what we ask all the
4 Governor's Appointees; that is why you feel you're qualified to
5 remain in this position?

6 MS. RICHARDSON: Okay. First of all, I want to say good
7 afternoon, and I want to say that I'm very pleased to be here. I
8 have been waiting a long time to address you and finally the day
9 is here.

10 I have been a public servant for the last 12 years,
11 serving the State of California at both the State and County
12 level.

13 The qualifications that I bring to this position is not
14 a law degree and it's not having worked on a farm. The expertise
15 that I bring to this position is based on the 12 years of
16 hands-on experience in the labor relations field. That includes
17 5½ years as chief negotiator, negotiating labor agreements with
18 AFL-CIO and independent unions, as well as 10 years of experience
19 administering elections for the purpose of union certification,
20 decertification, and the implementation of union security
21 provisions.

22 During the last 12 years that I served as an advocate
23 for the employer, I believe that I developed a reputation based
24 on integrity, based on fairness, based on independence of mind,
25 and based on sensitivity for the needs of the other side.

26 I believe that my personal qualifications as well as my
27 professional qualifications have prepared me well for this
28 position.

1 CHAIRMAN ROBERTI: Thank you very much, Ms. Richardson.

2 Are there any questions? Senator Petris.

3 SENATOR PETRIS: Can you elaborate a little on the
4 experience you had in negotiating? For whom and in what context?
5 What is the building trades?

6 MS. RICHARDSON: I spent five -- for five years I was
7 the chief negotiator for the County of Sacramento.

8 SENATOR PETRIS: With all the County employees?

9 MS. RICHARDSON: I had practically most of the
10 bargaining units with the except of the deputy sheriffs.

11 SENATOR PETRIS: You were acting on behalf of
12 maragement?

13 MS. RICHARDSON: That is correct, for the employer. And
14 for the last four years, prior to my appointment over here, I was
15 appointed by Governor Deukmejian to be a labor relations officer,
16 Chief Negotiator for the State of California. And the bargaining
17 units that I had there, my first year I had two bargaining units:
18 the Professional Engineers, the Professional Scientists and the
19 Paraprofessional Scientific Technicians. And the last two years
20 I have had the Health Services Unit represented by AFSME, and I
21 had the Psychiatric Technicians represented by the Communication
22 Workers of America.

23 SENATOR PETRIS: Are you familiar with the Labor
24 Relations Act, the Agricultural Labor Relations Act?

25 MS. RICHARDSON: I think so, yes.

26 SENATOR PETRIS: How would you describe its principle
27 purpose?
28

1 MS. RICHARDSON: Well, the principle purpose of the Act
2 when it was established was to bring peace to the labor fields,
3 to protect the rights of the farmworkers, and provide a vehicle
4 for the resolution of disputes between the parties.

5 SENATOR PETRIS: Is that still its principle function?

6 MS. RICHARDSON: I believe it is, Senator, yes.

7 SENATOR PETRIS: Do you feel it's serving it well?

8 MS. RICHARDSON: I think so, Senator.

9 SENATOR PETRIS: How long have you been there?

10 MS. RICHARDSON: I have been there a year minus one
11 week.

12 SENATOR PETRIS: You're against a deadline also.

13 MS. RICHARDSON: Yes, I am, Senator.

14 SENATOR PETRIS: Are there any areas of that statute
15 that you feel need improvement either by removing things or
16 adding to them?

17 MS. RICHARDSON: Well, as you know, Senator, we are in
18 the -- we serve in the capacity of a judge, and I think it would
19 be -- although we are certainly human beings, and we have
20 opinions regarding a number of things, my opinion regarding
21 particular provisions in the laws, you know, should play no role
22 in how I administer the Act.

23 The Act is there in the way it reads. I am there to
24 uphold that Act. If it is changed, I will continue to uphold it.

25 SENATOR PETRIS: Has the Act presented any problems to
26 the Board or to you by virtue of defects in its drafting?
27
28

1 Let me make it easier. A lot of times we get
2 recommendations from judges in the Superior Court for amending
3 the law because in their experience as judges, they encounter
4 problems caused by some flaws in the statute. It might be a
5 procedural thing; it might be a substantive thing in certain
6 parts of the law. And we welcome their comments.

7 It's in that spirit that I'm asking you: Have you
8 encountered any serious flaws that you feel should be corrected
9 in order to make the law work better?

10 MS. RICHARDSON: Well, I could not call them flaws,
11 Senator. I think that first of all, I've only been there a year,
12 and I have participated in a number of decisions.

13 SENATOR PETRIS: How many?

14 MS. RICHARDSON: Fourteen decisions, cases, published
15 decisions. However, that's not the only workload of the Board.
16 We have a number of motions that appear that come before us,
17 legal matters, settlements both unilateral and bilateral.

18 But I have found out in the year that I have been there
19 that there's a number of issues. Here we have been in business
20 since 1975, 13 years. And there's still some issues, some
21 provisions of that Act that have not been tested, and we have not
22 had cases come before us.

23 So I think from my standpoint, it's premature for me to
24 be able to say I think that there's flaws in the Act. I feel we
25 need some time to be able to let that Act work itself.

26 And where we have come across, at least in this last
27 year, where we have come across certain problems, where we feel
28

1 that we can deal with it through regulation, that's the way we're
2 dealing with it.

3 SENATOR PETRIS: Do you participate in the drafting of
4 regulations or adopting them?

5 MS. RICHARDSON: We have not -- I have not participated
6 in the hearings as of yet. We have not held any as of -- at
7 least in the last year.

8 However, we have plans to do so. As I indicated to you,
9 over the last year we have come across a number of things that
10 need to be addressed, and we feel that the regulatory process is
11 the best vehicle to do so. And so, we have started the mechanism
12 to conduct those hearings and allow all parties involved, all
13 parties that would be affected by those regulations, to come
14 forward and present their positions.

15 SENATOR PETRIS: Sometimes it's just a matter of
16 clarifying; isn't it?

17 MS. RICHARDSON: Sometimes, yes.

18 SENATOR PETRIS: How long have you been in California?

19 MS. RICHARDSON: Since 1971.

20 SENATOR PETRIS: And before that?

21 MS. RICHARDSON: I was in college. I attended George
22 Washington University in Washington, D.C. And before that I was
23 in Puerto Rico. I was born and raised in San Juan, Puerto Rico.

24 SENATOR PETRIS: I think you're probably the first
25 person that I know of appointed to a high position who has come
26 in from Puerto Rico. I think that's terrific.

1 MS. RICHARDSON: I hope you don't hold it against me,
2 Senator.

3 (Laughter.)

4 SENATOR PETRIS: No, I just said the opposite. I'll say
5 it again if you want me to.

6 (Laughter.)

7 SENATOR PETRIS: Let's see, according to this background
8 sheet, you majored in -- did you major in Labor Relations?

9 MS. RICHARDSON: In International Affairs with a
10 concentration in Latin America, and I have a Master's Degree in
11 Public Administration from Golden Gate University.

12 SENATOR PETRIS: I wanted to ask you about the
13 Commission for the Study of International Migration and
14 Cooperative Economic Development.

15 Is that a California agency or a private citizens group?

16 MS. RICHARDSON: I would not be able to --

17 SENATOR PETRIS: They supported your candidacy, and I
18 wondered if it's some group you may have worked with?

19 Maybe they just heard about you, and they think you're
20 terrific. At any rate, they're supporting you.

21 MS. RICHARDSON: I'm glad to hear that.

22 No, I was not aware of the Commission. Certainly if the
23 supported me, I should become aware of them.

24 SENATOR PETRIS: Obviously you didn't call them up and
25 ask them to send in a support letter.

26 MS. RICHARDSON: I did not, Senator.

27 SENATOR PETRIS: Thank you, Mr. Chairman.
28

1 CHAIRMAN ROBERTI: Thank you, Senator.

2 Any other questions? Do I hear a motion?

3 SENATOR ELLIS: Move.

4 CHAIRMAN ROBERTI: Senator Ellis moves that Ivonne Ramos
5 Richardson be confirmed as a Member of the Agricultural Labor
6 Relations Board.

7 Secretary will call the roll.

8 SECRETARY WEBB: Senator Ellis.

9 SENATOR ELLIS: Aye.

10 SECRETARY WEBB: Senator Mello.

11 SENATOR MELLO: Aye.

12 SECRETARY WEBB: Senator Petris.

13 SENATOR PETRIS: Aye.

14 SECRETARY WEBB: Senator Craven. Senator Roberti.

15 CHAIRMAN ROBERTI: Aye.

16 The vote is four to nothing; confirmation is recommended
17 to the Floor.

18 Congratulations.

19 MS. RICHARDSON: Thank you so much, Senators.

20 CHAIRMAN ROBERTI: The next is Roger Schaufel,
21 Superintendent of the California State Prison in Amador.

22 Mr. Schaufel, we'll ask you the same question that we
23 asked the other --

24 MR. SCHAUFEL: Good afternoon.

25 CHAIRMAN ROBERTI: -- persons assuming similar
26 positions, and that is why you feel you're qualified to be in
27 this position?
28

1 MR. SCHAUFEL: Very good.

2 I've been working in the Criminal Justice system now for
3 about 24 years.

4 CHAIRMAN ROBERTI: Assemblyman Waters would like to join
5 us. He has a question.

6 Sorry to interrupt you, Mr. Schaufel.

7 ASSEMBLYMAN WATERS: Thank you, Mr. Chairman and
8 Members.

9 CHAIRMAN ROBERTI: We'll let you make your statement
10 after --

11 ASSEMBLYMAN WATERS: Pardon me?

12 CHAIRMAN ROBERTI: After you address your questions, he
13 can incorporate it in his response.

14 ASSEMBLYMAN WATERS: Fine. That sounds very
15 appropriate.

16 First of all, I should tell you that I'm not here
17 opposing the confirmation of Mr. Schaufel. I just want to tell
18 you that I have had some problems in terms of the hiring
19 procedure at Mule Creek Prison in Ione, which Mr. Schaufel will
20 be the Superintendent of.

21 I think I would just like to indicate for the record,
22 and hopefully Mr. Schaufel will agree with me, that this can take
23 place, what I'm about to say.

24 In 1983, we held hearings in the City of Ione in regard
25 to the prison, and it was a very successful hearing. A number of
26 the folks in the local community came there, and we were clearly
27 made a commitment that 50 percent of the people from the local
28 community of Amador County would be hired at the prison.

1 Quite frankly, that has not taken place. It is my
2 understanding that there are over 700 or right at 700 employees
3 there now, and I believe we have 85 locals. That a long ways
4 from 50 percent.

5 And I've had these discussions with Mr. Schaufel. He's
6 indicated that he's going to try to correct it, but this has been
7 going on for a while and it has not been corrected.

8 I think I'm here to let the record show and to discuss
9 this with him, that maybe he could correct that situation.

10 Also, I was assured that the testing process would be
11 properly advertised within the County. However, it is clear to
12 me that this was not done.

13 And I also understand now that the testing will not take
14 place for another year. And I would like to ask him if he would
15 be agreeable to reopen the upcoming 100-200 positions in the
16 Prison Industry system so that they could take the test now
17 rather than wait a year.

18 I should also tell the Committee that we had an
19 information workshop, a workshop there at the prison. Over 700
20 people showed an interest in working at the prison.

21 And again, I'm only asking that Mr. Schaufel assure me
22 that we can hire at least close to the 50 percent. That this is
23 a commitment that was clearly made to me and to the people of
24 Amador County, and I just want to make sure that he fulfills that
25 commitment.

26 Thank you for the opportunity to be here.

27 CHAIRMAN ROBERTI: Thank you very much, Assemblyman.
28

1 If you would, address that in your remarks.

2 MR. SCHAUFEL: I'll be glad to. Shall I begin with the
3 background?

4 CHAIRMAN ROBERTI: Yes, please.

5 MR. SCHAUFEL: Very good.

6 I've been in the Criminal Justice system now for
7 approximately 25 years. The last four and a half years I've been
8 working on the construction of a new prison in Amador County, now
9 called Mule Creek State Prison in Ione. I've been involved in
10 the design of it, the construction of it, the staffing of it, and
11 I'm now running it.

12 Prior to that, I was with the Board of Prison Terms as a
13 Hearing Officer for approximately six years. Prior to that I
14 worked as a prison administrator for many years, beginning about
15 1963 in one capacity or another.

16 The concern about hiring from the local community has
17 been one that we've been acutely aware of from the beginning. I
18 came on to this project about 1984, the beginning of 1984. There
19 had been a couple of public hearings prior to that time by other
20 individuals that work for the Department of Corrections.

21 My understanding was there was a commitment made to hire
22 from the local community to half of the jobs. In the
23 Environmental Impact Report documents of 1984 and 1985, that
24 involved public hearings and published documents, the definition
25 at that point was that the local community would include a
26 40-mile radius around the prison, or a commute distance, a
27 reasonable commute distance to the prison.
28

1 We have had recruitment workshops and examinations for
2 correctional officers and other types of staff in the county, in
3 Amador County in the Ione area, beginning about 1984, and
4 progressing until the one that Assemblyman Waters mentioned, just
5 last week.

6 We are involved in a centralized testing for
7 correctional officers at this point that takes place in
8 Sacramento, which is, you know, only about 40-45 miles from the
9 institution. We have some delegated testing that's done at the
10 prison. For the most part, though, the State Personnel Board
11 controls the testing process, and it's done here in Sacramento.

12 We have now approximately 90 people from within the
13 County that work in the prison. The prison only opened up about
14 eight months ago. We have about another year of construction to
15 go. It's only about half built. We have many more people to
16 hire, and we believe that we can focus additional attention on
17 hiring people within the County and improve the numbers over the
18 next several years that will be involved in the hiring process.

19 As you know, the Department of Corrections as a whole is
20 expanding considerably. And we anticipate a good deal of turn
21 over, a good deal of promotion, and we anticipate a continuous
22 recruitment effort, not only locally but statewide, to bring on
23 additional staff for the institution in forthcoming years.

24 CHAIRMAN ROBERTI: Thank you very much.

25 Senator Ellis.

26 SENATOR ELLIS: You said that the local area was
27 determined to a 40-mile radius?
28

1 MR. SCHAUFEL: That was the definition within the
2 Environmental Impact Report. We hired over 50 percent of our
3 people from within that area.

4 SENATOR ELLIS: But 40 miles would bring you all the way
5 down to here; wouldn't it?

6 MR. SCHAUFEL: Forty miles takes in the edges of
7 Sacramento and Stockton.

8 SENATOR ELLIS: Mr. Waters' problem is Amador County.

9 MR. SCHAUFEL: That's correct.

10 SENATOR ELLIS: Not Sacramento or Stockton.

11 MR. SCHAUFEL: That's correct, and we're quite aware of
12 that. We -- the prison is only about five miles, though, from
13 the County line of Amador County. And we felt it was necessary
14 to recruit people from outside the County line as well as within.

15 SENATOR ELLIS: Well, I know. I don't think you could
16 get enough people out of Amador County. If the whole County
17 worked there you wouldn't have enough, would you?

18 ASSEMBLYMAN WATERS: I think they could.

19 SENATOR ELLIS: They could? What's the population of
20 Amador County?

21 ASSEMBLYMAN WATERS: It's 21,000 now, Senator.

22 Senator, your point is right on target. That has been
23 my argument, recognizing very clearly that the EIR indicated that
24 it would be a 40-mile radius. However, I should tell you that I
25 heard nothing about that.

26 At the time of our hearing, it was clearly indicated to
27 us that they would hire from within the County of Amador. Amador
28

1 County has a population of over 21,000 and growing. And as I
2 indicated earlier, over 700 people showed up to the workshop the
3 other night. The interest is there; the people are there. I
4 think they should be hired from there and to meet that
5 commitment.

6 That's all my argument is.

7 SENATOR ELLIS: How many people will you ultimately have
8 on your staff?

9 MR. SCHAUFEL: We anticipate -- right now we're at about
10 700. Many of them are temporary construction positions. We're
11 in the middle of a construction project, as you know.

12 We anticipate an adjustment of some of those positions
13 back to what they originally were intended for, and we anticipate
14 hiring another 200, approximately, in the next 18 months.

15 SENATOR ELLIS: So your peak will probably be maybe
16 1,000 people?

17 MR. SCHAUFEL: Probably less than that. It'll probably
18 be more like 750 by the time we get through with the adjusting
19 back to the appropriate positions that are not needed for
20 construction.

21 SENATOR ELLIS: Do you have any idea to use maybe 500
22 out of Amador County?

23 Is that what you understood, Mr. Waters?

24 ASSEMBLYMAN WATERS: Yes.

25 SENATOR ELLIS: Do you think you'll be able to attain
26 that?

27

28

1 MR. SCHAUFEL: I think with time that we'll be able to
2 recruit people to qualify them through the State testing process
3 and to hire them at the institution.

4 Over the past eight months we have not been able to meet
5 that commitment, but I think over the next several years we will
6 be able to do so.

7 SENATOR ELLIS: The request is to reopen the testing
8 opportunity.

9 MR. SCHAUFEL: The testing process for the most part,
10 approximately half of our staff are correctional officer staff,
11 and the testing for correctional officers is done here in
12 Sacramento on an ongoing basis. And so, any time anybody from
13 the County applies, it's feasible for them to begin the test
14 process immediately.

15 The other entry level positions are, for the most part,
16 some Office Assistant II positions that we have available, and
17 there's also some Prison Industry Authority positions that are
18 coming on line, and many of those will be delegated testing that
19 we'll be able to do at the institution, and we will be doing
20 those over the next several months.

21 SENATOR ELLIS: But the correctional officers, once they
22 go through the training and become qualified, they could be sent
23 anywhere; could they not?

24 MR. SCHAUFEL: They could be offered jobs anywhere, but
25 we have tried to make arrangements so that those from the County
26 can work at the institution.

27
28

20
1 SENATOR ELLIS: You're going to make a conscious effort
2 to, if Amador County people become correctional officers, you'll
3 try to keep them here rather than send them to --

4 MR. SCHAUFEL: We have been doing that; that's right,
5 yes.

6 SENATOR ELLIS: Thank you.

7 CHAIRMAN ROBERTI: Thank you, Senator Ellis.

8 Which is the county within the five miles, just outside
9 of the --

10 MR. SCHAUFEL: Sacramento County is --

11 CHAIRMAN ROBERTI: The prison is within five miles of
12 Sacramento County?

13 MR. SCHAUFEL: That's right.

14 CHAIRMAN ROBERTI: Is that a populated area?

15 MR. SCHAUFEL: It's near Rancho Seco. It's not terribly
16 populated in that area.

17 (Laughter.)

18 CHAIRMAN ROBERTI: I think Assemblyman Waters makes a
19 fairly decent case.

20 The way there's even any ease at all in siting prisons
21 -- which we've been through, and it's the most miserable thing to
22 go through; there's nothing that comes close -- is that the
23 tradeoff for the community is that they get the jobs and the
24 payroll in that community. And that's how we're able to site
25 with some ease, if that's the proper word, prisons.

26 Without that, we remove a tool. And I think the
27 precedent therefore for Amador is very important to the rest of
28 the State, and that is for us to be able to site prisons.

1 I do think Amador, without much deviation -- maybe a
2 little bit, but 40 miles strikes me as too much -- has to be the
3 area which is the community from which the jobs will be taken.

4 Otherwise, if Corrections establishes the contrary
5 precedent, we're never ever going to be able to site a prison
6 anywhere.

7 ASSEMBLYMAN WATERS: That's correct.

8 CHAIRMAN ROBERTI: Any further questions?

9 Is there any opposition in the audience?

10 Seeing none, do I hear a motion?

11 SENATOR CRAVEN: Move.

12 CHAIRMAN ROBERTI: Senator Craven moves that Roger
13 Schaufel's confirmation as Superintendent of the California State
14 Prison, Amador, be recommended to the Floor.

15 Secretary will call the roll.

16 SECRETARY WEBB: Senator Ellis.

17 SENATOR ELLIS: Aye.

18 SECRETARY WEBB: Senator Mello.

19 SENATOR MELLO: Aye.

20 SECRETARY WEBB: Senator Petris.

21 SECRETARY WEBB: Aye.

22 SECRETARY WEBB: Senator Craven.

23 SENATOR CRAVEN: Aye.

24 SECRETARY WEBB: Senator Roberti.

25 CHAIRMAN ROBERTI: Aye.

26 The vote is five to nothing; confirmation is recommended
27 to the Floor.

1 MR. SCHAUFEL: Thank you, Senators.

2 CHAIRMAN ROBERTI: Thank you very much.

3 The next confirmation is Mr. Willard A. Shank, Member of
4 the Public Employment Relations Board.

5 Mr. Shank, we'll ask you the same question: Why you
6 feel you're qualified to assume this position?

7 MR. SHANK: Thank you, Senator.

8 I have just completed my 36th year of service to the
9 State in several capacities. The first 32 years I spent in the
10 State Attorney General's Office, starting as a Deputy in 1950,
11 and leaving the Office in 1983 as the Chief Assistant Civil for
12 the Attorney General's Office.

13 The next four years I spent as Director of the Military
14 Department, sometimes known as Adjutant General.

15 I think with that combined background of experience and
16 responsibility, that I'm qualified to serve on the Board.

17 SENATOR CRAVEN: General, are you now retired?

18 MR. SHANK: Yes, sir, I am retired.

19 SENATOR CRAVEN: You were into see us on that
20 confirmation; were you not?

21 MR. SHANK: Yes, sir, I was.

22 SENATOR CRAVEN: Do you recall that, Mr. Chairman?

23 CHAIRMAN ROBERTI: I do, yes.

24 SENATOR CRAVEN: He came out unscathed.

25 CHAIRMAN ROBERTI: Let's see if it happens again. Two's
26 a charm.

27 Senator Mello.
28

1 SENATOR MELLO: I just have a couple of brief questions.

2 One has to do with during when you served as Director
3 and Adjutant General for the Military Department, there were
4 allegations of illegal wiretapping charged against one of your
5 top lieutenants.

6 I'm wondering if you were aware, or did you have
7 anything to do with the wiretapping directives?

8 MR. SHANK: No, Senator, and I think I can give you the
9 correct version of what happened.

10 A Lieutenant Colonel McCoy, a member of the Fresno Air
11 Guard Unit, resigned from the California National Guard. This
12 was in late 1983. He made a series of allegations against the
13 Base Commander, General Aguiar, and brought them to Sacramento,
14 to myself and to General Thrasher, the Assistant Adjutant
15 General.

16 One of the allegations was that he had been threatened
17 by his commander, General Aguiar, and we said, "How do you
18 substantiate that?" And he said, "I recorded a telephone
19 conversation with General Aguiar that he had with me. And I'll
20 provide a copy of that to you if you wish." And we said, "All
21 right, send it to us." Which he did.

22 And that's the substance of what happened.

23 SENATOR MELLO: At that point was Mr. Aguiar --

24 MR. SHANK: He was the Commander of the Fresno Air Guard
25 Unit at that time.

26 SENATOR MELLO: As Commander, he was disciplined and
27 later was forced to retire. Was that as the result of this
28 wiretapping?

1 MR. SHANK: No, it was not.

2 SENATOR MELLO: Not relative to it at all?

3 MR. SHANK: No, sir.

4 SENATOR MELLO: Were you aware of this? I guess the
5 wiretapping in this sense here, I'm a little unclear. I guess if
6 you wiretap, you go in and bring a connection into the telephone
7 line.

8 MR. SHANK: I think that's wiretapping technically.
9 This was just recording a conversation without informing the
10 other party that you were recording it.

11 SENATOR MELLO: I guess the law is on recording a
12 telephone conversation, it's a federal violation to record any
13 message, even if the other person's aware of it. I guess both
14 parties have to become aware of it to go across a State line.

15 In the State of California, I guess you have to make one
16 of the parties, the other party, aware that you are taping the
17 conversation.

18 MR. SHANK: That's correct, except under certain
19 circumstances, Senator. One of the exceptions to that rule is
20 where you believe, you have reasonable cause to believe you're
21 going to be threatened. That is an exception to committing a
22 crime in California.

23 SENATOR MELLO: Is that in our regular --

24 MR. SHANK: That is in our Penal Code.

25 SENATOR MELLO: All right, but I think wiretapping, the
26 only wiretapping I support has to be done almost like a court
27 order, where there's a situation that they have to go in, you
28

1 know, the FBI or somebody would go in to gather information that
2 had a serious problem with the overthrow of our government, or
3 with drugs, or something of that type.

4 But I think just that little wiretapping, to listen in
5 on a private conversation, or even to use it in that way violates
6 certain Constitutional amendments and so forth.

7 One other area I want to talk about, I don't know
8 whether this pertains to you as well, but within the overall
9 Department, whether this is in State law or just a regulation,
10 the area I represent is down in Monterey. They have a lot of
11 persons who serve in the Reserves. And they perform certain
12 duties and tasks there.

13 Now they are being forced to retire at age 65, mandatory
14 retirement from the Reserves.

15 SENATOR CRAVEN: What age, Henry?

16 SENATOR MELLO: At 65.

17 Of course, I helped carry the bill here several years
18 ago that outlawed mandatory retirement. I think persons have to
19 be judged on their ability to perform.

20 But is it your policy, or is it the policy of the
21 Department for force people out at some age?

22 MR. SHANK: Oh, yes.

23 SENATOR MELLO: It is?

24 MR. SHANK: It's very clear. In terms of officers, the
25 ROPA provisions, the provisions of ROPA called the Reserve
26 Officer Personnel Act, provide that if you're not promoted, say,
27 within five years after your last promotion, you are
28 automatically out, regardless of your age.

1 There are some exceptions where you're a federal
2 technician working in the National Guard or in the Reserve,
3 you're allowed to continue until you have qualified for
4 retirement.

5 Otherwise, at the end of five and a failure to be
6 promoted, you are automatically out.

7 SENATOR MELLO: Well, does this 65 year age threshold
8 come into play as well?

9 MR. SHANK: I think that comes into play only with
10 respect to enlisted personnel, not with respect to officers.
11 Officers are -- we're talking about Reserve officers, sir?

12 SENATOR MELLO: Yes.

13 MR. SHANK: Yes, the Reserve officers, the rules are
14 much more stringent.

15 With respect to enlisted personnel, I believe you can
16 stay to a much later age, and I think 65 is probably it. I'm not
17 certain on that.

18 SENATOR MELLO: Is this part of State law, or is this
19 under some federal --

20 MR. SHANK: No, this is a federal regulation, sir.,

21 SENATOR MELLO: My goodness. Well, we're still growing
22 as a new nation, and I think this is another hurdle we have to
23 overcome.

24 Whatever you can do about it, I think it's a real attack
25 on people to put them on the shelf, or not allow them to
26 contribute and be useful members of our society because they've
27 reached a certain chronological age in life. Some people,
28

perhaps at much younger ages, they can't hack it and that's it.
But I know a lot of people that are in their 80s and 90s who are
-- some Members of the Legislature, in fact, are in their 70s and
make a real contribution to the Senate.

I just don't think that people should be stigmatized by
some age. I'm somewhat surprised that this is happening.

I'm not blaming you for it. I think you're following
the federal requirements. But I think it's time that we speak
out and try to change some of these regulations for the interests
of the people we're serving.

MR. SHANK: Not to defend the military, but their
policy, the way they defend it is that we have to have a young
and vital army, and so therefore it's necessary to get rid of old
men.

SENATOR CRAVEN: It's hard to climb those hills when
you're 65.

SENATOR MELLO: Thank you very much.

CHAIRMAN ROBERTI: Senator Petris.

SENATOR PETRIS: Yes, I'm concerned about this thing
because it's been brought to our attention in your situation and
in General Thrasher's as well, who's going to be up next week.

I'm concerned about your attitudes on these things.
You've served 32 years in the Attorney General's Office.

MR. SHANK: Yes, sir.

SENATOR PETRIS: Apparently you know the law. I'm not
aware of that section that you mentioned.

MR. SHANK: It is in the Penal Code.

1 SENATOR PETRIS: Administrative?

2 MR. SHANK: No, statutory.

3 SENATOR PETRIS: I'm checking the basic Code Section 631
4 on wiretapping proscribing, you know, the unauthorized, but I
5 don't see exceptions. It's probably down below.

6 MR. SHANK: It's way down, sir. It's at the very end.

7 SENATOR PETRIS: Well, I'll take your word for it if you
8 say that is an exception.

9 One of the issues in this matter, however, is whether
10 there was any threat or not. I don't suppose you know -- if you
11 feel you're going to be threatened, then you want to get a record
12 of it, and if it turns out you weren't threatened, I guess
13 there's no harm. At least your fear is allayed.

14 The police report in that incident concludes that there
15 was no threat.

16 MR. SHANK: I listened to part of the conversation, and
17 there was a threat of suit which I heard myself.

18 SENATOR PETRIS: Is that the kind of threat that's
19 proscribed by the law?

20 MR. SHANK: When a senior officer in the military, sir,
21 threatens a junior officer in the military, that is a very
22 serious offense.

23 SENATOR PETRIS: Even including exercising a right to a
24 legal remedy?

25 MR. SHANK: Yes.

26 SENATOR PETRIS: Under what code?
27
28

1 MR. SHANK: That's under the Code of -- the Uniform Code
2 of Military Justice. A senior officer may not threaten a junior
3 officer under any circumstances.

4 SENATOR PETRIS: Well, that would be an interesting
5 thing to explore sometime.

6 Are you telling me that a senior officer does not enjoy
7 the full rights of citizenship?

8 MR. SHANK: That's absolutely right when dealing with a
9 junior. He can give him a reasonable order, but he cannot
10 threaten him in any way, because the junior officer is powerless
11 under the circumstances.

12 SENATOR PETRIS: You know, that takes a person back to
13 the first year in law school on what is a threat. I'm not
14 familiar with that Military Code of Justice, because I haven't
15 been in the service for about a hundred years or so.

16 SENATOR CRAVEN: Right after you got back from San Juan
17 Hill, wasn't it, Nick?

18 SENATOR PETRIS: Yes, right.

19 (Laughter.)

20 SENATOR PETRIS: Teddy Roosevelt said, "I'll take it
21 from here, son."

22 Well, is there anything further you care to comment on
23 on that particular incident as it relates to the wiretapping?

24 Let me say, the reason I'm going into this is, if
25 there's anything negative in this, I wouldn't want it to spill
26 over into your new duties.

27

28

1 Now, you were not a participant. You came in after the
2 fact.

3 MR. SHANK: Yes, sir.

4 SENATOR PETRIS: You interpret that as a threat. But
5 the Sergeant, I guess, was not familiar -- not the Sergeant, but
6 whoever the police officer was who wrote the report.

7 MR. SHANK: I can understand that. That's not a normal
8 situation in civilian life, but it is a definite situation in the
9 military.

10 SENATOR PETRIS: So what you're saying is that as far as
11 the code section goes governing the law of California, it's not a
12 threat. But as far as this other code, which is Military
13 Justice, under which the participants were operating at the time,
14 the Military Code definitely prohibits any kind of a threat, even
15 a threat to sue?

16 MR. SHANK: That's correct.

17 SENATOR PETRIS: What if they're having a conversation
18 and the junior officer has been making a pest of himself in the
19 domestic scene of the senior officer, bothering himself, his wife
20 and his family, and the senior officer says, "If you don't cut
21 this out, I'm going to get an injunction against you."

22 Is that a threat under the Military Code?

23 MR. SHANK: Under a domestic situation I'm not sure. I
24 don't know.

25 SENATOR PETRIS: Well, then, there are exceptions;
26 aren't there?

1 MR. SHANK: There may be an exception in a domestic
2 situation, I have no idea. Although I would think not. I would
3 think there are other ways that the senior officer could take
4 care of that.

5 SENATOR CRAVEN: That would be an atypical redress, you
6 know.

7 I know it's been a long time, Nick, but even in your own
8 career, think back.

9 SENATOR PETRIS: If you have the star, you don't have to
10 mess around with an injunction.

11 SENATOR CRAVEN: No, but --

12 SENATOR PETRIS: I know that.

13 SENATOR CRAVEN: But I think that there are other
14 available remedies to utilize which are more in keeping with the
15 officer or military environment.

16 MR. SHANK: There are many other military remedies to
17 take care of that situation.

18 SENATOR PETRIS: If you're a Judge Advocate General,
19 you're more like to talk maybe about law in the courts than you
20 are about the typical military remedies, which I know are varied
21 and many, and can be pretty harsh.

22 SENATOR CRAVEN: Sure. You could have the man,
23 presumably, taken into custody. Put him in the hack if he's an
24 officer.

25 I don't know if they use that term in the Army or not,
26 but they do in the outfit that Jimmy and I served with.

27
28

1 MR. SHANK: Well, there are other ways that that could
2 be taken care of.

3 SENATOR PETRIS: Okay.

4 I understand this conversation, or there were two that
5 were recorded.

6 MR. SHANK: I only heard one, sir.

7 SENATOR PETRIS: I understand there were two.

8 MR. SHANK: And I didn't hear all of that, but I heard
9 part of it.

10 SENATOR PETRIS: I understand it all came out of a
11 running dispute with respect to the competence of the management
12 of the Fresno Air Base in which one general officer had been
13 complaining about many defects in procedures, in training, in
14 records, and alteration of records, and had been predicting that
15 if this thing keeps going, somebody's going to get hurt. There's
16 going to be a crash.

17 MR. SHANK: I'm not aware of that, sir. That was not
18 the problems that I ran into in Fresno in '83.

19 SENATOR PETRIS: I don't want to go into this too
20 deeply, Mr. Chairman, because it has to do with some other
21 things, but to the extent that it spills over on an approach to
22 some other office, I think it's relevant.

23 MR. SHANK: Yes, sir.

24 SENATOR PETRIS: Were you at Fresno for a while?

25 MR. SHANK: No, sir.

26 SENATOR PETRIS: You were way up there in the
27 stratosphere.
28

1 MR. SHANK: Yes, sir.

2 SENATOR PETRIS: Which is okay as an Air Force officer.

3 MR. SHANK: No, I never go off the ground.

4 (Laughter.)

5 SENATOR PETRIS: So how did you get involved in this
6 incident? Through the chain of command? It was somebody higher
7 up who was being --

8 MR. SHANK: Colonel McCoy made a number of allegations
9 in writing, sir. I asked that those allegations be investigated.

10 An investigation was held; 30 witnesses -- or, 30-35
11 witnesses were called under oath. About a thousand pages of
12 testimony to determine whether any of the allegations were true
13 or not.

14 There were some minor problems that turned up. The
15 major problem that turned up was the problem in management of the
16 Fresno Air Base, and I clearly disagreed with the way the
17 Commander was running his unit, and I removed him.

18 SENATOR PETRIS: Who was that?

19 MR. SHANK: General Aguiar.

20 SENATOR PETRIS: Were all the complaints that we're
21 talking about now by McCoy directed at General Aguiar?

22 MR. SHANK: No, they were directed at a number of other
23 people also.

24 SENATOR PETRIS: Well, that's probably as much as I want
25 to go into it at the present time, Mr. Chairman.

26 CHAIRMAN ROBERTI: Thank you, Senator.

27 Any opposition in the audience? Come forward.

28

1 SENATOR ELLIS: While they're coming up, I just might
2 remind Senator Petris, the Uniform Code of Military Justice came
3 in in 1948, and that --

4 SENATOR PETRIS: That's way after my time.

5 SENATOR ELLIS: Yes, you may have been referring to the
6 old system.

7 SENATOR PETRIS: Thank you.

8 GEN. AGUIAR: Mr. Chairman, I'm Edward R. Aguiar, and
9 I'm the gentleman he's talking about.

10 The story as he tells it is not true at all. This Mike
11 McCoy he was talking about was a very close personal friend. I
12 had just promoted him to Lt. Colonel, and I had just be assigned
13 to Fresno and it was in deplorable condition when I took it over.

14 Mr. Shank has never had the pleasure of meeting me, much
15 less knowing who I am. I think this is probably the first time
16 he got a look at me. And he removed me without ever talking to
17 me.

18 All these things that he talked about -- the tape
19 recordings, these thousands of pages of testimony, and all the
20 charges against me -- have never been told to me. He's used it,
21 and everyone else in the Military Department that he has
22 appointed has used this information against me.

23 And many attempts have been made to clear this matter up
24 through the Governor's Office, but to no avail, primarily because
25 Steve Merksamer is one of his proteges, and they all know the
26 law. Everybody knows the law here, but no one has the courtesy
27 to extend to the person who's being accused of all these things
28 as to what happened. What did happen?

1 He come down there and said the outfit at Fresno was in
2 terrible condition. I joined the Fresno Unit in 1949 as a basic
3 Airman. I went to the rank of a Tech. Sergeant. Went to pilot
4 training, eventually became a Fighter Squadron Commander, a
5 Fighter Group Commander, a Director of Operations. Transferred
6 out of the Fresno Unit, went to another unit as the Director of
7 Operations, then became a Group Commander again, then transferred
8 back to the Fresno Unit as a Wing Commander.

9 I flew 30 years in airplanes. I was combat ready for
10 over 20 years, and I was a Brigadier General as a combat officer,
11 combat pilot, and he never ever asked me whether I was qualified
12 or whether I had any credentials to run that unit.

13 And my statement, which I originally was going to make
14 without the interruption of the tape recording, but I had another
15 comment on the tape recording. That's kind of like being half
16 pregnant. If he feels he can use tape recordings against
17 someone, then tell this officer to go out and gather additional
18 information, which I consider mutiny in its best form, and then
19 investigate this thing, and then fire a person without ever
20 asking them what they did wrong, or without ever telling someone
21 what they did wrong.

22 Mr. Shank has been for the past several years involved
23 in a series of incidents concerning officers of the National
24 Guard -- and I say National Guard which includes the Air National
25 Guard -- in which he has displayed an outright insensitivity to
26 Constitutional and procedural rights of those officers. Where he
27 has had an opportunity to intervene in various Guard processes to
28

1 assure that the rights of all parties have been protected, he has
2 deliberately sought not to do so.

3 The issues involved include: criminal wiretapping --
4 and his description of it is not really the way it comes out
5 because I talked to the District Attorney at Fresno, and I have
6 got counsel on the matter, and they said it was just absolutely
7 hopeless. And the way they beat this thing in the court were,
8 the other people, they all marched down there in uniform, and
9 other military people thought it was a military matter and threw
10 it out, when in fact it was a civilian matter -- coercing
11 witnesses; lying under oath, and I've got all this documented;
12 taking punitive action against witnesses who would not alter
13 their testimony as he wanted, whose status was affected because
14 of charges about which were never informed and whose careers,
15 both private and military, essentially ruined. If you can
16 imagine trying to make your way in a community with all this
17 going on and the headlines in the paper, it's not too good for
18 such things as selling real estate and so on.

19 The only opportunity the public in California has to
20 review the performance of individuals such as Mr. Shank is during
21 confirmation proceedings, and many attempts have been made
22 through the Governor's Officer to to no avail. And I mentioned
23 that thing about Mr. Merksamer.

24 I have no personal fondness for Mr. Shank, as you
25 probably detect, but in all fairness and to give Mr. Shank an
26 opportunity to respond to these charges, which he never allowed
27 me or anyone else in the Air National Guard or the National
28

1 Guard, I would highly recommend and respectfully request that
2 this Committee allow Mr. Shank time to respond to the charges.
3 And if the Committee were to investigate this, I will furnish all
4 the necessary documentation on the other side of it.

5 The decision to delay pending a complete investigation
6 or review by an impartial committee of the estimated 2,000 pages
7 of documentation of investigations, regulations, depositions,
8 declarations, and the police report.

9 I think California deserves more than a person like
10 Mr. Shank in a position that he's applying for. And I don't
11 think anyone could look away from all the documentation that's
12 been made and all the charges that have been inflicted on
13 innocent people.

14 I'm not after anything. I don't want anything. But I
15 want an investigation conducted to clarify this position, this
16 one and the one that's coming up next week.

17 CHAIRMAN ROBERTI: Senator Craven.

18 SENATOR CRAVEN: General Aguiar, did you receive a
19 nonjudicial reproof, or is that a term that's used in the
20 National Guard?

21 GEN. AGUIAR: I never received anything pertaining to my
22 dismissal.

23 SENATOR CRAVEN: All right.

24 You were discharged honorably from the Guard?

25 GEN. AGUIAR: The discharge --

26 SENATOR CRAVEN: Or you separated --
27
28

1 GEN. AGUIAR: Separated, but I was ordered to resign.
2 And I was ordered to resign by Mr. Shank. I was directed to
3 resign, and I submitted a resignation. Then I think that
4 backfired on me, indicating that I was guilty of all the charges
5 that he had.

6 SENATOR CRAVEN: But you were separated under honorable
7 conditions?

8 GEN. AGUIAR: Yes.

9 SENATOR CRAVEN: You are presently retired --

10 GEN. AGUIAR: Yes.

11 SENATOR CRAVEN: -- as a flag officer?

12 GEN. AGUIAR: Yes.

13 SENATOR CRAVEN: Well, I understand to a degree some of
14 the background involved here, but the thought occurs to me that
15 this situation which you have described in minor detail happened
16 back in, what, 1983?

17 GEN. AGUIAR: In 1983 or '84.

18 SENATOR CRAVEN: And as I mentioned to General Shank
19 earlier, I recall when he was in here for confirmation in the
20 Guard job, which he had prior.

21 You did not testify at that time to any degree or at
22 all, that I recall; did you?

23 GEN. AGUIAR: No.

24 SENATOR CRAVEN: Why was that?

25 GEN. AGUIAR: Well, I basically didn't know about Mr.
26 Shank at the time. I had never met him. And I assumed that his
27 military background, as indicated to us, there was no objection
28 of that.

1 Since I had served under many, many Adjutant Generals
2 from 1949 to 1984, I didn't see any reason at that time.

3 SENATOR CRAVEN: Well, those of us who've had the
4 advantage of serving in the service would have to say that you
5 were unquestionably a very outstanding person, and must have been
6 an outstanding officer to have risen from the ranks as you did
7 and to attain flag rank. There's no question in my mind,
8 certainly, that you have a lot going for you.

9 That does not necessarily mean, in my judgment, if I may
10 be permitted to say as one of your juniors, that you are
11 necessarily the world's greatest administrator.

12 GEN. AGUIAR: Well, I've never pretended to be an
13 administrator. I've always had an administrator manage the
14 administration.

15 SENATOR CRAVEN: True. I understand that, but what I'm
16 saying is that it is not necessarily, or hasn't obviously been
17 any mark on your escutcheon as far as I can see. In other words,
18 you are held in esteem. You are retired honorably.

19 I really don't know wherein this has in any way defamed
20 or damaged you. That's really, I guess, what I'm getting at.

21 CHAIRMAN ROBERTI: I guess you were making an
22 observation. If I could just interject.

23 If Mr. Shank's decisions in the National Guard at that
24 time were based on administrative judgment, then I would say we
25 have no grounds to be critical.

26 SENATOR CRAVEN: That's the point that I'm getting at.
27
28

1 CHAIRMAN ROBERTI: If, however, there was something
2 personally damaging to you that was not part of his
3 administrative purview, then I would suspect that maybe we should
4 look into it.

5 I'm not inclined to say that is something which is very
6 easy for us, to find anything damning as far as Mr. Shank is
7 concerned, but if only for the fact of being able to come up with
8 anything with any kind of probity. It's very, very difficult.

9 Nevertheless, the questions raised are serious enough
10 that I think in fairness we should look at them for at least a
11 week or two weeks.

12 I don't want to prejudice the confirmation process
13 either.

14 SENATOR CRAVEN: How much time do we have?

15 MS. MICHEL: April 20.

16 CHAIRMAN ROBERTI: So we have a little time.

17 SENATOR CRAVEN: Plenty of time.

18 CHAIRMAN ROBERTI: This is our custom, Mr. Shank. When
19 something of this nature comes up, we do think it's our duty in
20 fairness to all the people who come to testify before us to look
21 into the question. And I don't think we're here to second judge
22 your administrative decisions as long as they were --

23 GEN. AGUIAR: I don't think --

24 CHAIRMAN ROBERTI: I understand the point you're trying
25 to make.

26 I think we have a duty to look at this.

27 SENATOR CRAVEN: I have only one question, Mr. Chairman.
28

1 CHAIRMAN ROBERTI: Senator Craven.

2 SENATOR CRAVEN: Basically I would direct it to my
3 colleague, Senator Petris.

4 Would it be Senator Petris' contention that this
5 situation which has been referred to, now five years old at
6 least, would be an influencing factor in the manner in which
7 General Shank would discharge his duties as a Member of the Board
8 to which he has been nominated?

9 SENATOR PETRIS: Well, I'm not sure. It could be, yes.

10 The only reason I went into it is my fear, as I said,
11 that it may somehow reflect some kind of style or approach to a
12 person's duties which may be important in the new assignment.

13 I don't know. I'm not calling that ahead of time.

14 We've received enough comment to alert us. And since
15 we're being alerted, it seems to me we ought to spend a little
16 more time to follow through.

17 I've never talked to General Aguiar, but I've seen
18 comments attributed to him. We've heard from others. We've
19 heard from a retired Major General, for example, I have, Hebrank.

20 Was he a ranking above you or below you, or level,
21 parallel, or what?

22 MR. SHANK: He was in charge of the Air Guard during my
23 tenure.

24 SENATOR PETRIS: He was the top guy?

25 MR. SHANK: In the Air Guard.

26 SENATOR PETRIS: But you were --

27 MR. SHANK: I was his Commander.
28

1 SENATOR PETRIS: You were his Commander?

2 MR. SHANK: Yes, sir.

3 SENATOR CRAVEN: Administratively his Commander; is that
4 right?

5 The Air Guard is within the National Guard, but it's
6 almost like a separate entity within the National Guard; is it
7 not, General?

8 MR. SHANK: It certainly thinks so.

9 SENATOR CRAVEN: Well, I guess you've said it all then.

10 It's my impression that you could have a senior
11 commanding the Air Guard arm, senior to the Adjutant General.

12 Is that not correct?

13 MR. SHANK: That's correct in military --

14 SENATOR CRAVEN: Do you understand, Nick, what I'm
15 saying?

16 SENATOR PETRIS: Sure, I know what that --

17 SENATOR CRAVEN: And that in itself, I suppose, could
18 create a little bit of a problem.

19 GEN. AGUIAR: May I disagree with that. That's not
20 true.

21 SENATOR CRAVEN: It isn't true.

22 GEN. AGUIAR: That is not true.

23 In the State of California, when it's in the State of
24 California, the Adjutant General always outranks all the members
25 of the National Guard whether he wears the rank or not. It is a
26 State appointment to that rank.

27

28

1 SENATOR CRAVEN: Well, I think we recognize that,
2 General, but I mean from the standpoint of numbers, it's entirely
3 possible that you, as an Air Guard Commander, could be senior,
4 military senior, to the Adjutant General.

5 GEN. AGUIAR: No, sir.

6 SENATOR CRAVEN: Well I would respectfully disagree with
7 you.

8 GEN. AGUIAR: Okay, but I just got thrown out of there,
9 so I know who the boss is.

10 (Laughter.)

11 CHAIRMAN ROBERTI: That's the bottom line question all
12 the time.

13 MR. SHANK: The Adjutant General is technically the
14 boss, but he can be outranked from date of rank, yes.

15 SENATOR CRAVEN: Well that's exactly what I'm talking
16 about. I don't see how you can deny that.

17 CHAIRMAN ROBERTI: Senator Ellis, you get the last
18 question.

19 SENATOR MELLO: I wanted to ask --

20 SENATOR ELLIS: General Aguiar, you made a statement
21 that I want clarified.

22 You said you were ordered to resign?

23 GEN. AGUIAR: Yes, sir.

24 MR. SHANK: Can I clarify that?

25 SENATOR ELLIS: I don't think that's a lawful order. I
26 don't think you can order a person --

27 SENATOR PETRIS: It's too late now.
28

1 GEN. AGUIAR: It's too late now. I wish he could undo
2 that.

3 MR. SHANK: No, let me give you the technicalities.

4 I offered him the opportunity to resign. He refused to
5 resign, and I removed his federal recognition, which is the
6 technical way of eliminating somebody from the military.

7 SENATOR ELLIS: So you didn't --

8 GEN. AGUIAR: That's a lawyer's interpretation of
9 destroying a man's career. But basically, I wrote a resignation
10 and handed it to him when he demanded that I resign, the day he
11 talked to me about this, when I was apologizing to him about the
12 misunderstanding that had occurred. And that was my first
13 meeting with him, and that was when I got introduced to him. And
14 he would not listen to my apology, and he did not accept it, and
15 ordered me to resign. He told General Hebrank, who was my boss,
16 to come up and get my resignation, and I signed it at that time.

17 He had fired me on a June date, and one of the Senators
18 had reversed it without asking. They changed it to July so I
19 could finish my 55th birthday.

20 The irony of this whole thing, I had already agreed to
21 leave the Guard because I felt I was too old to fly fighter
22 airplanes, and he wouldn't accept that either. So, it's not a
23 matter of him throwing me out; I was going to leave anyway.

24 SENATOR ELLIS: I appreciate all that, but I'm just
25 trying to pin down the order to resign. I don't think there's
26 such a thing. You can't order a person to resign in the
27 military.

28

1 You could maybe request it, or do something else, or you
2 could recommend a court martial, or --

3 SENATOR CRAVEN: Give him the option of that or --

4 GEN. AGUIAR: He never gave me an option to court
5 martial. I'd have accepted that. I'd have taken that option.

6 SENATOR ELLIS: But you still want to stand on your
7 statement that you were ordered to resign?

8 GEN. AGUIAR: Yes, sir.

9 SENATOR MELLO: Mr. Chairman, can I just ask one
10 question.

11 We're going to come back in two weeks. I'd like to know
12 when you come back, bring information about the extent of any
13 training that is being done sending persons down to Honduras or
14 anywhere in Central America.

15 Is that going on now or not?

16 MR. SHANK: I have no idea, sir. I've been away for a
17 year from the military. I don't know what's going on.

18 GEN. AGUIAR: I'm even out longer than that, three
19 years. I wouldn't know.

20 SENATOR MELLO: If you could find out if there are any
21 plans, or has there been any mission flown down there under the
22 guise of training.

23 GEN. AGUIAR: He'll have to get that because they won't
24 talk to me.

25 SENATOR CRAVEN: I think the answer to that is yes,
26 Henry.

1 SENATOR MELLO: I'd like to hear it from them, if you
2 don't mind, because I think he's up for confirmation.

3 MR. SHANK: I have no idea, sir, and I don't know how
4 I'd find out.

5 SENATOR MELLO: The reason I bring up the question, at
6 one time there was some training missions being performed by the
7 Guard --

8 MR. SHANK: Yes, sir.

9 SENATOR MELLO: -- by the Guard here in California.
10 They were being sent down to Central America.

11 MR. SHANK: That's true. And I think they still are,
12 but I can't tell you that for sure.

13 SENATOR MELLO: Okay, if you could find out, I'd
14 appreciate getting that information.

15 MR. SHANK: I'm not sure --

16 SENATOR CRAVEN: Mr. Chairman --

17 MR. SHANK: -- I'm entitled to that information.

18 SENATOR CRAVEN: I don't know about you. I find this
19 very interesting, personally, but I also find it somewhat
20 irrelevant.

21 I just really wonder whether we are treading into areas
22 that really are not within our jurisdictional purview. We don't
23 usually settle judgmental calls that arise out of the military.
24 That to my --

25 CHAIRMAN ROBERTI: We haven't yet.

26 SENATOR CRAVEN: -- thought is it's not really within
27 our purview.
28

1 I know we're very big in foreign affairs at times, but
2 this, I just am not quite sure of, and that's really why I asked
3 Nick the question.

4 CHAIRMAN ROBERTI: I appreciate your point, and I delve
5 into this area with complete trepidation.

6 However, Mr. General -- I don't know how we refer to a
7 retired --

8 SENATOR CRAVEN: General. You can't make him mad doing
9 that.

10 CHAIRMAN ROBERTI: General Aguiar is making a point. I
11 guess the polite way of putting it is a character point. And I
12 think in deference to people who come and testify before us,
13 whatever their opinion is, that we should look into it.

14 I fully understand it will be very difficult for us to
15 get to the bottom of this, even if there is a legitimate dispute.
16 Nevertheless, I think we should look into the point. It's a
17 relatively serious -- I don't think the word is accusation, but
18 it's a relatively serious --

19 SENATOR CRAVEN: Allegation.

20 CHAIRMAN ROBERTI: -- allegation that the General raises
21 against General Shank.

22 And I just think it's best not to just dismiss it
23 forthwith. I don't think two weeks is too long, and I think we
24 can probably get this --

25 SENATOR CRAVEN: Well, two weeks, I think, is fine, Mr.
26 Chairman. The only thing I would like you to tell me is, what
27 are we going to do within that two weeks?
28

1 CHAIRMAN ROBERTJ: Well, that's a good point. We'll try
2 to get to the bottom; we'll try to find out what the actual
3 accusation is, if there's any information that we can get to bear
4 it out, and if it was something that went beyond the normal
5 judgment call that the Adjutant General has to engage in on a
6 daily basis, if it went beyond that and would exemplify some kind
7 of character problem, and I'm speaking as it might affect his
8 duties in this position.

9 SENATOR CRAVEN: Well, this may be a simplistic answer,
10 but I would have to feel, and I learned this early on working the
11 legal side of the Naval service, you were always as a young
12 prosecutor, always afraid that you would be reversed by the
13 convening authority. And you were afraid always that you had
14 erred somewhere along the line.

15 In my judgment, the Adjutant General would have received
16 word from a higher authority since they are, I think, beholden in
17 no small degree to the federal government, that he erred in
18 making the decision he did.

19 Absent that, I would have to say that what he did was
20 within his purview and had a correctness to it.

21 CHAIRMAN ROBERTI: I'm not saying you're wrong, Senator.

22 SENATOR CRAVEN: You can.

23 GEN. AGUIAR: Can I?

24 CHAIRMAN ROBERTI: Well, we're going to try and find
25 out. You can't right now. You can come back in two weeks.

26 If there's any other witnesses, they can testify in two
27 weeks as well.
28

1 Thank you.

2 (Thereupon this portion of the Senate
3 Rules Committee hearing was terminated
4 at approximately 3:17 P.M.)

5 --oo0oo--
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CERTIFICATE OF SHORTHAND REPORTER


I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

26th day of February, 1988.


EVELYN MIZAK
Shorthand Reporter

